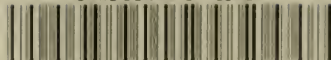


Gen  
347.59  
F636  
1988  
v. 17



STATE LIBRARY OF FLORIDA



3 1246 00254 6341

Gen 347.59 F636 1988 v. 17

Florida.

Acts of the Legislative  
Council of the Territory of  
Florida

**STATE LIBRARY OF FLORIDA**

**R. A. GRAY BUILDING**

**TALLAHASSEE, FLORIDA 32301**



**ACTS**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF THE  
**TERRITORY OF FLORIDA,**  
PASSED AT ITS SEVENTEENTH SESSION,  
COMMENCING MONDAY, JANUARY 6, AND ENDING MARCH 4, 1839.

—  
ALSO, THE  
**RESOLUTIONS**  
OF A  
PUBLIC OR GENERAL CHARACTER  
ADOPTED BY THE  
**LEGISLATIVE COUNCIL.**

---

**By Authority.**

---

**TALLAHASSEE:**  
**S. S. SIBLEY, PRINTER.**  
**1839.**

68  
34759  
FL36  
1988  
W17

1988

Florida State University  
College of Law Library and  
LBS Archival Products produced the  
Laws of Florida Territory replacement  
volumes on paper that meets  
ANSI Standard Z39.48-1984.  
Original editions for copying were  
provided by the law libraries of the  
Florida Supreme Court, the  
University of Florida, the  
University of Miami, and  
Florida State University.





## TITLES OF THE ACTS OF 1839.

---

1. An act to amend an act entitled an act relating to Crimes and Misdemeanors; approved February 10th, 1832.
2. An act to authorize the Governor of Florida to raise troops for the defence of the Frontier and for other purposes.
3. An act in addition to the Military Laws now in force.
4. An act to amend the several acts now in force in relation to Elections.
5. An act to amend the several acts, and in addition to the acts relating to County Courts and for other purposes.
6. An act concerning Tax Collectors and for other purposes.
7. An act in relation to Public Defaulters.
8. An act to raise a fund by taxation for the Education of Poor Children.
9. An act to alter and fix the terms of the Superior Courts of the Apalachicola District.
10. An act to alter and fix the terms of the Superior Courts in the Middle District of Florida.
11. An act to fix the place for holding court in Alachua county.
12. An act concerning the County Site of Hamilton county.
13. An act to provide for building a Capitol and for other purposes.
14. An act to amend an act entitled an act to incorporate the subscribers to the Union Bank of Florida.
15. An act to incorporate the Bank of Apalachicola.
16. An act to prevent the future exercise of corporate privileges by certain banking corporations.
17. An act constituting a Board of Wardens, Commissioners of Pilotage, and Commissioners of Wrecks for the Ports of Jacksonville and other places therein provided for.
18. An act to create a body corporate and politic by the name of the St. Joseph Chamber of Commerce.
19. An act to provide for the appointment of Weighers of Cotton for the city of Tallahassee and town of St. Marks.
20. An act to authorize the county court of Franklin county to levy a tax for building a Jail in said county.
21. An act to incorporate the Ocilla Academy in the county of Jefferson.
22. An act to establish an academy on the Mickasukie Lake in the county of Leon, and to incorporate the Trustees thereof.
23. An act to incorporate the Trustees of the Calhoun Academy in the county of Madison.
24. An act to authorize the Trustees of the Calhoun academy in the county of Madison to rent the School Lands in said county and for other purposes.
25. An act to incorporate the Alachua Academy.

26. An act to incorporate the Trustees of the Presbyterian Church in Tallahassee.

27. An act to incorporate the Presbyterian Congregation at Mandarin.

28. An act to incorporate the Protestant Episcopal Church at Jacksonville.

29. An act to incorporate St. Paul's Church, Quincy, Florida.

30. An act to incorporate the town of Newnansville.

31. An act to amend an act passed January 31st, 1833, entitled an act to incorporate the city of Apalachicola.

32. An act to amend the several acts incorporating the town of Marianna.

33. An act for incorporating the City of St. Joseph.

34. An act to incorporate the City of Pensacola and repeal the act entitled an act to incorporate the City of Pensacola, and improve the public roads in the neighborhood thereof, approved Feb. 15th, 1833.

35. An act supplemental to the act incorporating the Lafayette Salt Company at Key West.

36. An act to amend an act to incorporate the St. Andrews and Chipola Canal Company.

37. An act to amend the several acts to incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company.

38. An act to authorize the Brunswick and Florida Rail Road Company to extend their improvements into the Territory of Florida.

39. An act to authorize Simeon Driggers to establish a ferry over the Withlacoochee river in the county of Madison.

40. An act to authorize David Platt to establish a ferry near the junction of the Suwannee and Withlacoochee rivers in the county of Madison.

41. An act to establish a ferry across the Choctawhatchie river.

42. An act to authorize James M. Harris to build a dam and lock across the St. Marks river.

43. An act for the relief of Esther Sparkman.

44. An act for the relief of Christopher H. Edwards.

45. An act for the relief of Christopher Fletcher.

46. An act for the relief of George Walker.

47. An act for the relief of Major Charles Mapes.

48. An act for the relief of William Kelley.

49. An act for the relief of William C. Smith.



# A C T S

OF THE

## LEGISLATIVE COUNCIL

OF THE

### TERRITORY OF FLORIDA.

---

RICHARD K. CALL, Governor of Florida.  
 JOHN P. DUVAL, Secretary.  
 JOHN WARREN, President of the Senate.  
 J. S. ROBINSON, Chief Clerk.  
 E. L. DRAKE, Speaker of the House of Representatives.  
 JOS. B. LANCASTER, Chief Clerk.

---

No. 1.—AN ACT to amend an act entitled an act relating to Crimes and Misdemeanors, approved February 10th, 1832.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That if any person, by himself or herself, servant or other agent, shall keep, have, exercise or maintain a gaming table or room, or any house, booth, tent, shelter, or other place for the purpose of gaming, or in any place of which he or she may have the charge, control, or management, procure, suffer, or permit any person or persons to play for money or other valuable thing or things, or to bet or wager on such as may play for money or other valuable thing or things, at any game whatsoever, he she or they so offending may be indicted, and on conviction, shall pay a fine not exceeding two thousand dollars, nor less than two hundred dollars, and be imprisoned not more than six months, nor less than thirty days, at the discretion of the court.

Gaming tables shall not be kept

To play for money.

Penalty.

Sec. 2. Be it further enacted, That if any person or persons shall play and bet at any gaming table or in any gambling house, booth, tent, or shelter, at any game at cards, dice, or checks, or with any other instrument, article or articles, thing or things, whatsoever, for the purpose of winning or losing, he she or they so offending may be indicted, and on conviction, shall be fined in a sum not exceeding fifteen hundred dollars, nor less than two hundred dollars, and be imprisoned not ex-

Betting prohibited.

Penalty.

ceeding six months nor less than thirty days, at the discretion of the court.

Compensation to  
Dist. Attorney.      Sec. 3. Be it further enacted, That in addition to the compensation now allowed by law, the District Attorney, prosecuting any offence under either of the two preceding sections, shall for every conviction receive the sum of twenty-five dollars, to be taxed in the bill of costs against the defendant : provided, that in case of inability of the defendant to pay the said twenty-five dollars, the said Territory shall not be liable for the same.

Proviso.

Sections of act  
repealed.      Sec. 4. Be it further enacted, That the forty-fifth and forty-sixth sections of an act to which this is an amendment, be and the same are hereby repealed : provided, however, that all offences heretofore committed against the provisions of the said section, or either of them, shall be prosecuted and punished as if the same were in full force and effect.

Evidence.      Sec. 5. Be it further enacted, That no evidence given by any witness in relation to violations of this act shall be used or given in evidence against such witnesses.

Special charge to  
Jurors.      Sec. 6. Be it further enacted, That it shall be the duty of the Judge of the superior courts of the Territory to give this act in special charge to the grand jurors of the several counties of this Territory.

Approved Feb. 27, 1839.

No. 2.—AN ACT to authorize the Governor of Florida to raise troops for the defence of the frontier and for other purposes.

Governor authorized to accept  
volunteers.      Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor be, and he is hereby authorized to accept twelve companies of volunteers of which such a portion shall be mounted men as he in his discretion shall order, and shall be under his command, and stationed and ordered wheresoever in the Territory he may think expedient and proper, so as to ensure the defence of the frontier ; and as soon as the said force is organized or such part of the said corps as may be first ready for service, the Governor shall request the commanding officer of the United States Army in Florida, to receive and muster the said corps into the service of the United States, and if such commanding officer of the United States refuse to accept the service of the said twelve companies or any part of them, then the Governor shall have the said companies mustered into the service of the

When organized  
&c.

Companies to be

Territory by such officer as he may appoint for that purpose, mustered for 12 months.  
 for the term of twelve months unless sooner discharged by the order of the Governor, and the said corps shall receive the same pay, rations, and forage as the United States now allow Pay and rations.  
 to her mounted men or infantry.

Sec. 2. Be it further enacted, That each company shall have Officers.  
 one Captain, one first and second Lieutenant, four sergeants, four corporals, and fifty privates.

Sec. 3. Be it further enacted, That the Governor shall detail or appoint such field officers as may be necessary to command Field officers.  
 said troops, and all the Captains and commissioned officers in the said corps; the Captains of the several companies shall appoint their non-commissioned officers.

Sec. 4. Be it further enacted, That the Governor be, and he is hereby authorized, if the commanding officer of the United Governor authorized to borrow money.  
 States troops in Florida refuse to accept the services of said companies or any part thereof, to borrow on the faith and guarantee of the Territory of Florida, not exceeding five hundred thousand dollars to pay the said troops or such of them as may not be taken into the service of the United States, for not less than ten years, at an interest not exceeding eight per cent. per annum, conditioned to pay the interest semi-annually on said loan, at To be paid semi-annually.  
 such time and place as may be agreed upon, and also reserving the right to the Territory to repay the said loan at any period within the said ten years; and the Governor may borrow the said sum from any bank or banks in this Territory, or from any banking or other corporation in the United States, or from any person or persons, from whom the said loan or loans may be obtained; and the Governor is further authorized to issue the Bonds to be issued.  
 bonds of the Territory for the amount borrowed, in sums of one thousand dollars each, or in any other amount that may be deemed advisable, either in pounds sterling or dollars, under the seal of the said Territory, signed by the Governor and countersigned by the Secretary of the Territory, which shall be delivered to the party or parties from whom the said loan or loans may be obtained, and the said bonds may be assigned by Bonds may be assigned.  
 the holder or holders on the back of said bonds and the assignee of the same, shall be entitled to all the rights and advantages arising under said bonds as if the same had been originally issued to each bona fide assignee.

Sec. 5. Be it further enacted, That the Governor be, and he is hereby authorized to direct the payment of the interest from the Territorial Treasury upon the bonds hereby authorized, Interest to be paid out of Territorial Treasury.  
 to be issued, and to cause the same to be remitted when it shall become due and payable.



Commissioners to be appointed. Sec. 6. Be it further enacted, That the Governor be, and he is hereby empowered to appoint one or more commissioners to negotiate said loan should he deem it advisable so to do, and to allow the commissioner or commissioners such compensation as he may deem reasonable.

Proviso. Sec. 7. Be it further enacted, That if Congress shall make provision at its present session for the protection of the frontier, this act shall not be carried into effect, provided the Governor shall deem such protection adequate to the security of the citizens of the frontier.

Duty of officers. Sec. 8. Be it further enacted, That the officers commanding said corps shall report directly to the Governor and shall receive and execute his orders.

Rules and articles of war to govern troops. Sec. 9. Be it further enacted, That the said troops shall be governed by the rules and articles of war and the regulations of the army of the United States, and any commissioned officer, non-commissioned officer, or private of said corps who shall be guilty of any act of insubordination, neglect of duty, disobedience of orders, or other infractions of the rules and articles of war, if convicted thereof by a court martial, shall be deprived of his pay and emoluments in addition to other punishment imposed by the said articles of war for such offence.

Sec. 10. Be it further enacted, That this act shall be in force from and after the passage thereof.

Approved March 2, 1839.

### No. 3.—AN ACT in addition to the Military Laws now in force.

Governor authorized to enforce drafts. Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor be authorized to call into service by draft or otherwise, from time to time, such number of the militia of the Territory as he may deem necessary for the safety and protection of the country.

Officers to be Court Martialed for neglect of duty, &c. Sec. 2. Be it further enacted, That the Governor be authorized to issue orders to the Brigadier Generals, Colonels, or other inferior officers, for the number of men required from their commands respectively, and should the officer fail to furnish the number required, or to account satisfactorily to the Governor for such failure, he shall be immediately arrested and shall be tried by a court martial, after receiving three days notice; said court to consist of any number of officers from three to seven, one at least of whom shall be of equal rank with the officer on trial, and if found guilty of disobedience of orders shall

be cashiered and fined in a sum of not less than two hundred and fifty dollars, or more than one thousand dollars. Fine.

Sec. 3. Be it further enacted, That, in the event of any officer failing to raise the number of men required from his command, the Governor be, and he is hereby authorized to detail any officer in commission, either in the service of the staff or line, or to appoint an officer to draft and produce the men; and said officer so detailed or appointed shall have access to all the rolls and papers belonging to the command from which the men are ordered, and on failure of the officer to furnish said roll and papers he may be punished in the same manner and to the same extent as is provided in the second section of this bill, and the officer detailed or appointed may proceed forthwith to draft from said command the number of men required; in making such drafts however, reference is to be had, as near as the urgency of the case will permit, to the service before rendered by the different men of the command, so as to make the service required fall as equally as possible, consistent with the immediate execution of the order. Governor authorized to detail officer to hold draft.  
  
Punishment for refusal to furnish roll and papers.

Sec. 4. Be it further enacted, That the officer drafting the men be fully authorized to use any degree of force necessary to compel their immediate attendance, and may order any part of his command to arrest and bring forward the drafted men if necessary, and any member of the command ordered, refusing to obey such order, shall be made immediately to perform such service, for which the other men were drafted or detailed. Force may be used to compel obedience to draft.

Sec. 5. Be it further enacted, That if any drafted or detailed man shall fail to report himself for duty after being ordered to do so, or shall absent himself to avoid doing so, it is made the duty of the officer drafting or detailing such men, and of every other officer in commission, to have him arrested, and to detail the necessary number of men for that purpose, and when he is produced, it is made the duty of the officer to whose command he is ordered to be attached, to organize a court of not less than two, or more than five officers to ascertain immediately if he did refuse to obey said draft or absent himself to avoid the same, and if found guilty he shall be compelled to perform double the service for which he was drafted, and may otherwise be punished in the discretion of the court not extending to life or limb. Penalty for absents from draft.

Sec. 6. Be it further enacted, That if any company, battalion, or regiment be without officers, the Governor be authorized to appoint or detail an officer to perform the service of drafting, as is before provided for. Governor may appoint officers.

Sec. 7. Be it further enacted, That the troops, officers, and

Articles of war  
to govern troops.

men raised as aforesaid, shall be subject to the same government, rules, orders, and regulations as are adopted for the government of the United States Army.

Governor may  
borrow money.

Sec. 8. Be it further enacted, That the Governor be authorized to raise any sum of money not exceeding \$100,000, by issuing bonds or otherwise, pledging the faith of the Territory for the repayment thereof, payable at such times and places as he may think proper, and at such rate of interest as he may think proper, not exceeding eight per cent. per annum, to be expended in provisioning the troops to be raised as aforesaid.

Penalty for neglect  
in mustering  
troops.

Sec. 9. Be it further enacted, That if any Captain or other officer in command of a company, shall neglect to muster his company at the times designated by law, for company musters, he shall for each neglect be subject to a fine of one hundred dollars, and to be cashiered at the discretion of a court martial.

Aliens.

Sec. 10. Be it further enacted, That aliens are hereby declared to be subject to perform the same service under the military laws of this Territory, as is required of citizens.

Approved March 4, 1839.

No. 4.—AN ACT to amend the several acts now in force in Relation to Elections.

Persons entitled  
to vote for Dele-  
gate.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That every free white male person, of the age of twenty-one years and upwards, and who shall be at the time of offering to vote a citizen of the United States, and who shall have resided, or had his habitation, domicil, home, and place of permanent abode in the Territory of Florida, for one year next preceding the election of Delegate to Congress, shall be entitled to vote at any place or precinct within the Territory for Delegate to Congress.

For Senator.

Sec. 2. Be it further enacted, That every person qualified as provided for in the first section of this act, who shall have resided or had his habitation, domicil, home, and place of permanent abode in the Territory of Florida, for one year next preceding the election of any Senator to the Legislative Council, and who shall have resided, had his habitation, domicil, home, or place of permanent abode within the Senatorial district for which a Senator or Senators are to be elected, for six months next preceding the election of such Senator or Senators, shall be entitled to vote at any place or precinct within the said Senatorial district for such Senator or Senators.



Sec. 3. Be it further enacted, That any such person who shall have resided or had his habitation, domicile, home, and place of permanent abode in the Territory of Florida, for one year next preceding the election of any member of the House of Representatives, or of any county officer, and who shall have resided, or had his habitation, domicile, home, and place of permanent abode within the county for which such representative or county officer is to be elected, for six months next preceding the election of such representative or county officer, shall be entitled to vote at any place or precinct in said county for such representative or representatives, or for such county officers.

For Representative or County Officer.

Sec. 4. Be it further enacted, That when any person shall claim a right to vote on the ground of his being a naturalized citizen, it shall be the duty of the inspectors of the elections to require his certificate of naturalization to be exhibited, or a certificate copy of the same, and no officer, soldier, seaman, or marine, in the regular army or navy of the United States, or of the revenue cutter service, in actual service, shall be entitled to vote at any election in this Territory.

Who exempted.

Sec. 5. Be it further enacted, That it shall be the duty of the inspectors of every election, within ten days after such election, to sign and deposit in the office of the clerk of the county court of the county in which said election is held, the poll-book of said election; and the said inspectors shall within twenty days after the election make a certificate of the result thereof, and transmit the same in triplicate to the Governor of this Territory by the first mail thereafter or otherwise.

Duties of Inspectors.

Sec. 6. Be it further enacted, That the poll-books of the said election so deposited in the clerk's office, shall be by him safely kept as public records, and he shall furnish copies thereof to any person desiring them, upon payment of his legal fees.

Poll books.

Sec. 7. Be it further enacted, That this act shall take effect from and after the first day of June next.

Sec. 8. Be it further enacted, That all laws or parts of laws which conflict with the provisions of this act be and the same are hereby repealed.

Repealing clause

Approved 4th March, 1839.

---

No. 5.—AN ACT to amend the several acts, and in addition to the acts relating to County Courts, and for other purposes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the first term of the Coun-

St. Johns county. ty Court of St. Johns county is hereby declared to be the term commencing on the first Monday of June annually.

Sec. 2. Be it further enacted, That so much of the several acts to which this is an amendment, as requires the vouchers of executors, administrators or guardians to be recorded, be and the same is hereby repealed.

Approved March 4, 1839:

No. 6.—AN ACT concerning Tax Collectors, and for other purposes.

Governor to ap-  
point Tax Col-  
lector.  
Collector to give  
bond to Judge of  
county court.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor shall annually by and with the advice and consent of the Legislative Council appoint a tax collector for each county in the Territory, who, before entering upon the duties of the said office, shall enter into bond with at least two good and sufficient securities in the sums hereinafter mentioned, to be approved by the Judge of the county court, of the county for which the said collector may be appointed, and shall take an oath or affirmation faithfully to discharge the duties of the said office.

Bonds where de-  
posited.  
Condition of  
bond.

Sec. 2. Be it further enacted, That the bonds of the said tax collectors shall be made payable to the Territory of Florida, and deposited in the office of the Treasurer of the Territory, after having been first duly recorded in the office of the clerk of the county in which the tax collector resides; the said bond to be conditioned for the true and faithful payment of all sums that may come into the hands of the tax collector into the Territorial Treasury, and the Treasury of the counties respectively, at the time and in the manner now prescribed by law, and generally to well and truly discharge the duties of their said offices.

Amount of bond.

Sec. 3. Be it further enacted, That the bonds of the tax collectors for the counties of St. Johns, Duval, Jefferson, Leon, Gadsden, Jackson, Franklin, Calhoun, and Escambia, shall be taken in the sum of five thousand dollars each, and for each of the other counties in the Territory in the sum of two thousand dollars.

Judge to appoint  
Assessor.

Sec. 4. Be it further enacted, That it shall be the duty of the Judge of the county court of each county, to appoint, on or before the first Monday of April in each and every year, or as soon thereafter as possible, in each Justice's district, a Justice of the Peace to receive and take a list of the taxable property of the inhabitants of the district, which Justice of the Peace shall forthwith select some public place in his district and give public

notice thereof, that he will on the fourth Monday of April, and for the four following days, proceed to receive from the inhabitants of said district a list of their taxable property in writing, which list shall be sworn to by the person giving it, and in case any person shall make a false return to the said Justice of the Peace, they shall be liable and subject to indictment, and upon conviction shall be subject to all the pains and penalties of perjury.

*Duty of Assessor*

*Penalty for making false return.*

Sec. 5. Be it further enacted, That immediately after the expiration of the four days following the fourth Monday of April in every year, the said Justices of the Peace shall hand to the clerk of the county court the lists so taken by them, the said Justices, whose duty it shall be forthwith to condense them into one general tax list, and make three copies thereof, one to be delivered to the tax collector by the said clerk, who shall take the receipt in duplicate therefor; one copy to be forwarded to the Auditor of the Territory together with the receipt of the tax collector, and the other to remain in the office of the county court.

*Justices shall return tax lists to county clerk.*

*Clerk's duty.*

Sec. 6. Be it further enacted, That the tax collectors shall be allowed twelve per centum from the amount of their respective tax lists, at the time of settlement of their accounts; but in case of failure to pay over to the proper officers at the time required by law, such defaulting tax collector shall not be allowed to charge any commission, and the bond of the said tax collector shall thereby become forfeited, and proceedings forthwith instituted to recover the amount in the manner now prescribed by law.

*Collectors' fees.*

*Penalty for neglect of duty.*

Sec. 7. Be it further enacted, That the said Justices of the Peace shall be allowed three dollars each, per day, for the four days they are engaged in receiving the list of taxable property, and the clerks of the county courts shall be allowed to charge the same fees for making out the lists of taxable property, as are or may be allowed for recording of deeds, the compensation of the said Justices and clerks to be paid out of the Territorial Treasury.

*Justices' fees.*

*Clerks' fees.*

Sec. 8. Be it further enacted, That in addition to the taxes now required, there shall be assessed for the present year the following : on every acre of first-rate land, half a cent; on every acre of second-rate land, one-quarter of a cent; on every acre of third-rate land, one-eighth of a cent; on all lots within the limits of any town, village, or city, in this Territory, five cents on the \$100 valuation thereof, exclusive of the improvements thereon; on every slave over the age of fifteen years, fifty cents; on every free male of colour, over the age of twenty-one years,

*Rate of Assessment on lands slaves, &c.*



Free negroes.

and under the age of sixty years, ten dollars; on all four wheeled pleasure carriages, two dollars.

Judges of adjoining district may be appointed.

Sec. 9. Be it further enacted, That whenever any district shall be without a Justice of the Peace, the Judge of the county court shall appoint a Justice from the next adjoining district to take the lists of taxable property, as provided for in the fourth section hereof.

Auditor &amp; Treasurer to make returns to the Gov.

Sec. 10. Be it further enacted, That the Auditor and Treasurer make returns of the state of the Treasury to the Governor, ten days before the meeting of the Legislative Council, to be by him submitted to the Council, and the said Auditor and Treasurer shall, whenever the Governor may require, make return to him of the state of the Treasury, and shall generally be under his control and supervision.

Penalty for neglect of duty.

Sec. 11. Be it further enacted, That from and after the passage of this act, if any tax collector or auctioneer, in any county of this Territory, shall fail or refuse to pay over any money by him collected for taxes, or shall have failed to collect the taxes in his county, or have failed to take all legal means to collect and recover the taxes due by defaulters in his county, any such tax collector, auctioneer, and security shall forfeit and pay to the Territory the penalty of the bond given by such tax collector or auctioneer for the performance of the duties of his office; and it shall be the duty of the Auditor, immediately after the passage of this act, on pain of forfeiture of his office, or failure to comply with the requisitions of this act by any tax collector or auctioneer, to institute suit immediately and prosecute the same to judgement in any court of competent jurisdiction in this Territory.

Security liable.

Duty of Auditor.

Penalty for neglect in giving in lists.

Sec. 12. Be it further enacted, That if any person shall fail or omit to give in his or her list of taxable property at the time required by law, such person so failing shall be liable to pay double taxes unless it shall be made to appear to the judge of the county court that such neglect or omission was caused by circumstances beyond the control of the person or persons so failing to return their lists of taxable property.

Acts repealed.

Sec. 13. Be it further enacted, That the office of assessor of taxes in the several counties in this Territory be, and the same is hereby abolished, and all laws or parts of laws heretofore enacted in this Territory, which in any way may conflict with the provisions of this act be, and they are hereby repealed.

Of Defaulters.

Sec. 14. Be it further enacted, That no defaulter to the Territory shall be re-appointed until after he has paid over all monies in his hands due the said Territory.

Approved March 4, 1839.

## No. 7.—AN ACT in relation to Public Defaulters.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That if any tax receiver, auctioneer, or other receiver of public monies, shall refuse or neglect to pay the monies so received into the Territorial Treasury, at the times and under the regulations prescribed by law, the persons so refusing or neglecting shall be deemed and held to be a public defaulter, and guilty of a misdemeanor, and liable to indictment and trial before any court of competent jurisdiction, and upon conviction shall be fined in a sum of not less than one hundred or more than one thousand dollars, and imprisoned for a term of not less than one or more than six months, at the discretion of the court.

Tax Collectors,  
and AuctioneersPenalty for ne-  
glect of duty.

Sec. 2. Be it further enacted, That if any person charged with the assessment of taxes shall refuse or neglect to make due return thereof, as may be prescribed by law, the person so refusing or neglecting, shall be deemed and held to be guilty of a misdemeanor, and upon conviction thereof shall be liable to the penalties prescribed in the first section of this act.

Assessor.

Penalty for ne-  
glect of duty.

Sec. 3. Be it further enacted, That if any officer, who is now in arrears to the Treasury of this Territory, shall refuse or neglect to settle his account on or before the first day of July next, he shall be subjected to the same pains and penalties as are prescribed in the first section of this act.

Officers in ar-  
rears to settle.

Sec. 4. Be it further enacted, That it shall be the duty of the Auditor of public accounts to report to the District Attorney of the respective districts, the names of the delinquents under this act, so soon as the said delinquencies shall occur; and it is hereby made the duty of the said District Attornies to proceed forthwith against the said delinquents according to the provisions of this act.

Duty of District  
Attorney to pro-  
secute.

Sec. 5. Be it further enacted, That no conviction or forfeiture under this act shall be pleaded in bar to, or avoidance of any bond which may have been given by any officer for the faithful performance of the duties of his office.

Approved March 4, 1839.

## No. 8.—AN ACT to raise a fund by taxation for the education of Poor Children.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That out of the Territorial tax

Two per cent of tax collected to be paid to county treasurer. and auction duties hereafter assessed, collected, or received in this Territory, two per centum of the amount so collected shall be retained and paid over by the tax collector or auctioneers respectively, as the case may be, of each of the counties of this Territory, to the county Treasurer in and for the county in which such tax shall have been collected.

Fund for Education. Sec. 2. Be it further enacted, That the sum so paid over to and received by the county Treasurer shall be set apart and constitute a fund for the education of poor orphan children of the county to which the funds belong.

Assessors shall take lists of orphans. Sec. 3. Be it further enacted, That it shall be the duty of the assessors of taxes in each of the counties of this Territory, to take annually, while assessing the taxes, a list of all poor orphan children residing within the county, together with the name, age, and sex, of each respectively, and whether the father and mother both be dead, or only one; if that one be the mother, then to file in the county court a list for the information of the county.

County court shall appropriate the funds. Sec. 4. Be it further enacted, That the county court, at least two-thirds of the magistrates sitting, shall be and is hereby invested with the power and charged with the duty of appropriating annually the said funds, or such part thereof, as they, or a majority of them, may deem necessary, for the schooling of the poor orphans of their county, having a reasonable regard as near as may be, to an equal distribution among all the poor orphans brought to the notice of the court in the manner in this act pointed out, and having also a due regard to the most economical disbursement of the funds.

Court may correct errors. Sec. 5. Be it further enacted, That should there be any error, in the list of orphans returned to the court, it shall be lawful for any person to suggest such error or errors, whether of augmentation or diminution, to the court, who may proceed to hear evidence and register such as have been omitted, or strike off such as are not entitled to admission.

Approved March 2, 1839.

No. 9.—AN ACT to alter and fix the terms of the Superior Courts of the Apalachicola District.

Terms of court. Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the terms of the Superior courts in the several counties of the Apalachicola District shall be as follows, in each and every year :



Spring Term—in the county of Washington, first Monday in March; in the county of Jackson, second Monday in March; in the county of Franklin, fourth Monday in March; in the county of Calhoun, second Monday after the fourth Monday in March. Spring Term.

Fall Term—in the county of Washington, last Monday in September; in the county of Jackson, first Monday in October; in the county of Calhoun, third Monday in October; in the county of Franklin, first Monday in December. Fall Term.

Sec. 2. Be it further enacted, That this act shall take effect from and after the first of July, 1839.

Approved March 4, 1839.

No. 10.—AN ACT to alter and fix the terms of the Superior Courts in the Middle District of Florida.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the terms of the Superior courts of the several counties of the Middle District of Florida, shall be as follows, in each and every year :

Spring Term—in the county of Hamilton, first Monday in April; in the county of Madison, second Monday in April; in the county of Jefferson, third Monday in April; in the county of Leon, fourth Monday in April; in the county of Gadsden, second Monday after fourth Monday in April. Spring Term.

Fall Term—in the county of Hamilton, third Monday in October; in the county of Madison, fourth Monday in October; in the county of Jefferson, first Monday in November; in the county of Leon, second Monday in November; in the county of Gadsden, fourth Monday in November. Fall Term.

Sec. 2. Be it further enacted, That this act shall be in force from and after the first of July, 1839.

Approved March 4, 1839.

No. 11.—AN ACT to fix the place of holding Court for Alachua County:

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the town of Newnansville, in the county of Alachua, shall be, and is hereby declared to be the site for holding the county and Superior courts in and for the said county. County Site.

Sec. 2. Be it further enacted, That the act passed on the

Act repealed.

26th of January, 1836, entitled "An act to fix the place of holding the Superior and county courts, in and for the county of Alachua," and all other acts and parts of acts, now in force, so far as the same relate to fixing the county site of Alachua county, be, and the same are hereby repealed.

Approved February 25, 1839.

No. 12.—AN ACT concerning the County site of Hamilton County.

Commissioners  
to select county  
Site.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the commissioners elected in Hamilton county, pursuant to the act to which this is an amendment, for the purpose of selecting the most eligible situation for the county site of said county, shall convene at the house of William Hunter, in said county, on the eighteenth day of March next, and proceed to select the most eligible situation for the county site of said county.

May contract  
therefor.

Sec. 2. Be it further enacted, That the said commissioners shall be authorized to contract for forty acres of land, at such place as they may select for said county site, and after they shall have secured said land by fee simple title, they shall make proclamation thereof, in any newspaper printed nearest the said county, and also by written notices posted up in one or more public places in the said county, and the place so selected and purchased, shall then be the permanent county site of said county, and the county court shall proceed to erect public buildings thereon, in conformity to the act to which this is an amendment.

Repealing clause

Sec. 3. Be it further enacted, That so much of the act to which this is an amendment, as is inconsistent with this act, be repealed, and no more.

Approved February 28, 1839.

No. 13.—AN ACT to provide for building a Capitol and for other purposes.

Governor may  
appoint agent to  
locate land.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor be, and he is hereby authorized and empowered to appoint a fit and proper person as agent to locate a quarter section of land, for the use of this Territory, in the most advantageous situation, to supply the place of the quarter section of land which the Go-

governor of this Territory, under an act of Congress, reserved from sale, in the year 1825, for the purpose of applying the proceeds arising from the sale thereof, to the erection of the public buildings in the city of Tallahassee; and which said quarter section adjoining the city of Tallahassee on the East side, and was included in the township of land afterwards granted by Congress to General Lafayette, and on the report of the location of a quarter section of land under the advice and authority of the Governor, said agent shall be allowed a fair and reasonable compensation for his services, to be fixed by law.

Lands sold for  
erection of pub-  
lic buildings.

Sec. 2. Be it further enacted, That all the quarter sections of land, granted by Congress to the Territory of Florida, for the erection of the public buildings at Tallahassee, that have not been sold for that object, or such part of each as yet remains unsold, and are within the north-east and north-west quarters of sections thirty-six, in township 1; range 1, north and west, the north-east, south-west, and south-east quarters of section 1, range 1, south and west, and the south-west quarter of section 6, in township 1, range 1, south and west, shall be laid off in lots of from one to ten acres each, by the commissioner of the city of Tallahassee, in such manner as may be appointed by the Governor, and as soon as a fair plat or survey of said lots shall have been made by the surveyor, and returned to the commissioner, he shall lay the same before the Governor for his approval, who may direct the commissioner to advertise the said lots for sale, in three newspapers of this Territory, one of which shall be printed in Tallahassee, at least thirty days before the day of sale, and the said lots shall be sold at public auction to the highest bidders; one-fourth of the purchase money to be paid in cash at the time of the sale; one-fourth in 120 days thereafter; one-fourth in nine months thereafter; and the remaining fourth in twelve months thereafter.

Territorial lands  
to be sold.

Commissioner  
shall advertise.

Terms of sale.

Sec. 3. Be it further enacted, That the said commissioner shall take notes negotiable in the Union Bank of Florida, from the purchasers of said lot or lots, for the three last payments, with a good and sufficient endorser; and if any purchaser or purchasers shall fail or refuse to pay and discharge either of said notes as they respectively become due and payable in said bank, he, she, or they shall forfeit all monies which he, she, or they shall have paid, for his, her, or their lot or lots; and the same shall be resold in sixty days, and upon due notice of thirty days publication in some newspaper printed in Tallahassee, to the highest bidder on the same terms as were required in the original sale.

What fund may  
be received.

Forfeit for non-  
payment & lands  
resold.

Sec. 4. Be it further enacted, That no purchaser shall make



Transfers when made.

Title when completed.

Commissioner to contract for building capitol.

Pay of Com'r.

Amount of bond.

Forfeiture of stock.

any transfer of his interest in any lot or lots he may have purchased at the sales as aforesaid, until the whole purchase money shall have been paid up, nor shall any conveyance of the said lot or lots be made by the said commissioner to any person or persons, until he, she, or they shall pay the whole purchase money; but the said commissioner shall give his bond to convey the said lots to the purchaser or purchasers, reciting the payment made in hand, and the amount of the several payments to be made thereafter, and the time each shall become due.

Sec. 5. Be it further enacted, That the commissioner is hereby empowered and authorized to contract for the building of the Capitol, agreeable to such plan as may be approved by the Governor, and in all matters relative to the building said Capitol and the payment or disbursement of money, the commissioner shall be under the entire direction of the Governor, who shall have the control of all monies arising from the sale of property belonging to the Capitol fund, and also of any appropriation heretofore made, or hereafter to be made by Congress for building a Capitol in this Territory, and the said commissioner shall receive, as full compensation for all services performed by him, a sum of one thousand five-hundred dollars per annum, and all papers, records, &c., shall be paid for by the purchaser of any property which may be sold by said commissioner.

Sec. 6. Be it further enacted, That the bond of the commissioner of the city of Tallahassee shall hereafter be taken in the sum of fifty-thousand dollars, and that this act shall be in force from and after the passage thereof.

Approved March 4, 1839.

No. 14.—AN ACT to amend an act entitled an act to Incorporate the Subscribers to the Union Bank of Florida.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That if any stockholder, who has heretofore or may hereafter obtain a loan upon the pledge of stock as is contemplated in the twenty-ninth section of the act to which this is an amendment, shall neglect to renew or pay up his stock note for the space of thirty days after the same shall have become due, the shares so pledged shall be forfeited to the Bank, and any premium that may be received from the sale thereof, shall inure and be added to the surplus profits of the Bank.

Sec. 2. Be it further enacted, That it shall be the duty of the Board of Directors, when any shares may be forfeited as aforesaid, to proceed to sell the same at public outcry, to the highest bidder, before the banking house in the city of Tallahassee, after giving ten days notice, by publication in all the papers published in Tallahassee, of the time and place of sale, and the purchaser shall within ten days thereafter execute to the Bank the bonds and mortgages necessary to constitute him a stockholder, and be subject to the same rules, regulations, and restrictions, and entitled to the same rights, privileges, and immunities as are guaranteed to an original stockholder: provided that the forfeiture and sale of shares shall not operate to divest the Bank of any lien which it may have had on the property of the defaulting stockholder, but the same shall remain bound for the security of any debt he may owe the Bank, whether as payer, endorser, or security, until the same shall have been fully satisfied. Forfeited shares to be disposed of.

Approved March 1, 1839. Purchaser subject to rules.

No. 15.—AN ACT to Incorporate the Bank of Apalachicola. Proviso.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That a bank shall be established in the city of Apalachicola, by the name of the Bank of Apalachicola, the capital stock thereof shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each, and that the same may at any time or times, by a vote of a majority of the stockholders thereof, be increased to any amount, not exceeding in all two millions of dollars, which increased capital stock shall also be divided into shares of one hundred dollars each. Name.

Sec. 2. Be it further enacted, That the stockholders of the said bank, their successors or assignees shall be, and are hereby made a body politic and corporate by the name and style aforesaid, and by that name shall be capable in law to have, purchase, receive, enjoy, and retain to themselves, and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of any kind whatsoever, to such an amount as the same may be absolutely necessary to enable the said bank to pursue the legitimate objects of its incorporation, and the same to grant, sell, alien, and convey, to sue and be sued, plead, and be impleaded, answer, and be answered, defend, and be defended in courts of record and elsewhere, and to have and make a common seal, and the same to break, alter, and renew, at Capital Stock

By laws for go-  
vernment of in-  
corporation.

pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and expedient for the government of said corporation, not being contrary to the laws of this Territory, or the constitution or laws of the United States, and generally to do and perform such other acts and things as may be necessary for the well-being of said corporation.

Books of subscrip-  
tion to stock  
when opened

Sec. 3. Be it further enacted, That books of subscription shall be opened for the purpose of receiving subscriptions to said stock on the third Monday of February one thousand eight hundred and forty, at Apalachicola, under the superintendence of Charles S. Tomlinson, Charles Rogers, Nelson Hawley, John W. Randall, and Chester G. Holmes, any two of whom shall be competent to perform the duties of their appointment; who shall keep open said books for the period of sixty days, or until the stock aforesaid be subscribed for, and shall give certificates to all persons subscribing, stating the number of shares subscribed for.

Directors when  
elected.

In case stock is  
not all taken.

Sec. 4. Be it further enacted, That at the expiration of said sixty days, or so soon as the stock aforesaid is subscribed for, it shall be the duty of the said commissioners at Apalachicola to give notice thereof, and order an election for nine directors of said company, within three months from the time of opening the books aforesaid, and the said directors shall serve until the first Monday in January, 1841, but if all said stocks be not taken, then it shall be lawful for the said commissioners, or any two of them, at any time within one year after the passage of this act, to give notice thereof by advertisement in one of the newspapers of this Territory, and to keep open their books for the term of six months, or until the whole of said stock be subscribed for, and no longer.

President when  
elected.

Amount requir-  
ed before opera-  
tions commenced

Sec. 5. Be it further enacted, That so soon as the directors aforesaid shall be chosen they shall at their first meeting elect a President, who must be a director, and said first-chosen directors shall forthwith have and take the management of the said corporation, and the duties of the said commissioners shall cease upon the day of said election, after they shall have paid over to the said directors the money by them received, as the first instalment, on the stock subscribed for, and placed in the hands of said directors the books of subscription: provided that said bank shall not commence operations until the sum of one hundred thousand dollars be paid in.

Instalments.

Sec. 6. Be it further enacted, That upon each share subscribed for, there shall be paid, at the time of subscribing, ten per centum, and twenty per centum before the bank shall com-



mence operations, the residue to be called in at such time and in such portions as the board of directors see proper, and should a stockholder fail to comply with the call of the board of directors, when properly notified thereof, he shall forfeit his stock and the sum already paid thereon. Stock may be forfeited.

Sec. 7. Be it further enacted, That the directors for the time being shall have power to appoint such officers, clerks, and servants as may be necessary, and allow them such compensation for their services as may be reasonable, and shall be further capable of exercising such powers and authorities for the well-ordering of the affairs of the corporation as shall be fixed by the laws of the same. Directors may appoint officers.

Sec. 8. Be it further enacted, That each share shall be represented by one vote, and upon the same principle shall all the matters be decided that may come before the stockholders for their decision, and any stockholder being absent may, by power of attorney, authorize any stockholder to vote for him, her, or them. May vote by proxy.

Sec. 9. Be it further enacted, That the election of directors, except the first election, shall take place on the first Monday of January, in each and every year, at the banking house of the corporation : provided however, that should said election not take place on that day, the said corporation shall not, for that cause, be deemed to be dissolved, but the directors for the time being may order such election so soon thereafter as practicable. Elections when held.

Sec. 10. Be it further enacted, That none but a stockholder, citizen of the United States, and of the Territory of Florida, shall be a director, nor shall any director be entitled to any emolument, but the board may make such compensation to the President for his services as they may think reasonable, and in case of the death, resignation, or removal of the President, the directors shall appoint one of their members to fill the vacancy, who shall hold his office during the remainder of the time for which his predecessor was elected. Who eligible as directors.

Sec. 11. Be it further enacted, That said company shall not be authorized to issue bills of credit for more than twice the amount of capital stock actually paid in, and in case an excess of issue shall happen, they shall be liable for the same in their individual capacities ; but this shall not be construed to exempt the said corporation or the goods, chattels, lands, and tenements thereof, from being also liable for, and chargeable with the excess : provided that any director who was absent, or who, if present, enter his dissent to such excess on the minutes of said corporation, shall be exempted from any liabilities on account of such excess. Compensation.

Stockholders liable.

**Sec. 12.** Be it further enacted, That said corporation shall not deal or trade in anything, except bills of exchange and promissory notes, gold and silver bullion; neither shall the said corporation take more than at the rate of eight per centum per annum upon its loans.

**Sec. 13.** Be it further enacted, That the personal, real, and mixed property of each and every stockholder shall be pledged and bound in proportion to the amount of shares held by each in his or her natural, private, and individual capacities, for the ultimate redemption of said bills, issued by or from said bank, during the time he or she may hold such stock, and for six months after any transfer thereof.

**Sec. 14.** Be it further enacted, That the said bank shall annually set apart, from the nett profits, two per centum, as a tax for the use of the Territory, and the said sum so set apart and appropriated to the use aforesaid, shall be in full consideration of the taxes of the stock of said bank, nor shall the stock of said bank be at any time subject to any other taxation.

**Sec. 15.** Be it further enacted, That the bills and notes of the bank shall be redeemed at the banking house in Apalachicola in gold or silver coin.

**Sec. 16.** Be it further enacted, That when any mortgage has been given to said bank to secure the payment of any money loaned, it shall not be necessary to renew the mortgage on account of the renewal of said note, but the mortgage originally given shall be valid to secure the property of each renewed note, so long as such note shall be a part of the original debt.

**Sec. 17.** Be it further enacted, That the President and cashier of said bank shall make annually, at the commencement of the session of the Legislative Council, a report to the Governor showing the condition of the bank, in which report there shall be distinctly stated what amount of capital stock has been paid in, what bills and notes of the bank are in circulation, what other debts are due by the bank, the amount of bills discounted, and outstanding specie in its vaults, notes of the Bank of the United States in its possession, notes of all other banks, debts due it by other banks, and all such other particulars as usually compose the annual reports of a bank, or may be necessary to afford to the Legislative Council correct information of the actual condition of the bank, and the Legislative Council may annually appoint a committee of its own members to examine into the state of the bank, to which committee, if desired, shall be exhibited such books and accounts, and such other information as may be deemed calculated to afford correct information on the matters referred to it: provided always, that this shall

Bills of exchange

Rate of interest.

Private property pledged.

Tax.

Bills how redeemed.

Mortgages given as security

Report of condition of bank to be made to Gov. annually.

Legislative Council may appoint committee to examine affairs of bank.

not authorize said committee to ask or receive any information as to the state of the account of any individual dealer with the bank. Individual ac- counts.

Sec. 18. Be it further enacted, That the said bank shall have power to establish one or more branches or agencies thereof, at such times and places as it shall deem advisable, except the county of Calhoun. May establish branches.

Sec. 19. Be it further enacted, That this corporation shall continue for twenty-five years, unless sooner dissolved by the stockholders thereof, but no dissolution or repeal shall ever be construed to exonerate the fulfilment of existing contracts. Term of Charter.

Sec. 20. Be it further enacted. That should the said corporation ever refuse to pay any of its notes in specie, when lawful demand is made on them to do so, any person, having the right to demand or receive the same, shall be entitled to recover at the rate of twenty per centum per annum, till the said bank shall tender at its own counter, the amount so demanded, with the amount that may have accrued thereon, and for such refusal for one year, its charter shall be forfeited. Penalty for non-payment of specie.

Sec. 21. Be it further enacted, That this act shall be subject to amendment, alteration, or repeal, by any future Legislature. Act may be repeated.

Approved March 4, 1839.

No. 16. —AN ACT to prevent the future exercise of corporate privileges by certain Banking Corporations.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the District Attornies of said Territory, be authorized, and they are hereby required to institute the requisite legal proceedings, against such banking incorporations in their respective districts, as may have incurred forfeitures of their charters, by *non-user*, to prosecute the same to effect, so that said charters can be declared null and void by the judgment of the proper courts in said district. District Attornies to institute legal proceedings

Sec. 2. Be it further enacted, That notice of the institution of such proceedings, published in some newspaper in the district in which any of said incorporations are situated, shall be a sufficient legal notice to such banking incorporations: provided, the same be published for three months before said incorporation is required to appear and defend. Shall give notice of institution of suit.

Sec. 3. Be it further enacted, That for the institution of such proceedings, the several District Attornies, who shall in-



Fees for prosecution.

stitute the same, shall be entitled to a fee of fifty dollars, and to the further sum of one hundred dollars, for prosecuting the same to effect, to be paid out of any money in the Treasury, not otherwise appropriated.

Banks may sue and be sued.

Sec. 4. Be it further enacted, That notwithstanding the forfeiture of any charter by the judgment of the court under this act, the same shall be deemed to exist, and be capable of suing and being sued, as before, as to all rights, credits, liabilities, duties, responsibilities, or obligations of any kind whatsoever, existing anterior, or to the rendition of such judgment.

Sec. 5. Be it further enacted, That this act shall be in force from and after its passage.

Approved March 4, 1839.

No. 17.—AN ACT constituting a Board of Wardens, Commissioners of Pilotage, and Commissioners of Wrecks, &c. for the Ports of Jacksonville, and other places therein provided for.

Port Wardens when appointed.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the Governor by the consent of the Legislative Council of the Territory, be, and he is hereby authorized to appoint three discreet and proper persons, to act as Port Wardens, at and for the port of Jacksonville, and also three discreet and proper persons, to act as Port Wardens, at and for the harbor of Tampa Bay, and also three discreet and proper persons, to act as Port Wardens for the harbor at the mouth of the Suwannee river.

Term of office.

Sec. 2. Be it further enacted, That the Port Wardens so appointed, shall hold their offices for the period of two years, but in case of vacancy by death, resignation or otherwise, of any member of said Boards of Port Wardens, so appointed, the Board shall be, and they are hereby authorized at all times to fill such vacancy or vacancies by the appointment of such other proper person or persons, as may be advisable and necessary.

Master Warden.

Duty.

Sec. 3. Be it further enacted, That the said Boards respectively, shall at their first session appoint one of their own members to be Master Warden of the port, whose duty it shall be to see that the by-laws and regulations of the said board, not conflicting with the laws of the United States, or of the Territory of Florida, are carried into effect, and for that purpose, he is hereby made and constituted ex-officio, a justice of the peace.

Sec. 4. Be it further enacted, That the said wardens, before entering on the duties of their office, shall severally make

oath in writing, before the Clerk of the county, to discharge their duties as Port Wardens, faithfully, diligently, and impartially, without fear, favor, or affection, to the best of their skill and ability. Shall make oath.

Sec. 5. Be it further enacted, That the said boards within the limits of their respective ports, shall have power and authority to regulate the anchorage, mooring, and dockage of vessels, and to do all other acts and things generally done and performed by port wardens of the commercial cities. Proviso.

Sec. 6. Be it further enacted, That the said boards, within the limits of their respective ports, shall constitute a board of commissioners of pilotage, and shall appoint and license such other persons as may be deemed most fit and proper, to act as pilots for the ports or harbours aforesaid, respectively, which persons so licensed shall hold their branches during good behavior, and the said boards of commissioners shall require from said pilots such bond and security, for the faithful performance of the duty required of him or them, as the said board of commissioners shall deem proper, which bonds shall be made payable to the Governor of the Territory and his successor in office, and the pilots so appointed shall moreover take and subscribe an oath or affirmation, well and truly to execute and discharge all the duties required of him or them as pilots; and the said commissioners of pilotage shall have power to establish rates and define rules and regulations for the government of the pilots, which rates, rules, and regulations shall be officially promulgated by publishing in any newspaper in the districts, respectively. Shall license Pilots.  
Pilots shall give bond and security.  
Oath.  
Rates of Pilotage.

Sec. 7. Be it further enacted, That all fees and rates of pilotage which may become due are hereby made recoverable before the Master Warden of said port, or before any Justice of the Peace in this Territory. Pilotage how collected.

Sec. 8. Be it further enacted, That the boards of wardens and commissioners of pilotage, created under the provisions of this act, shall keep a record of their proceedings, which record shall be transferred to their successors in office, from time to time. Record to be kept

Sec. 9. Be it further enacted, That the said boards of wardens shall, within their respective districts, have and exercise the duties of commissioners of wrecks, and by virtue thereof shall have charge of all wrecked vessels, goods, and other property, cast on shore by the dangers of the sea, subject however to the control of the owners or their agents, and the said boards, acting as commissioners of wrecks or wreck masters, shall have power and use all exertions to preserve for the use of the owners or underwriters all wrecked property, and shall follow and ob- Commissioners of wrecks.  
Duties.

serve the rules and regulations customary in the United States in similar cases.

Act repealed.

Sec. 10. Be it further enacted, That all acts and parts of acts, giving power to the county courts within which the said ports or harbours are situated, or to the municipal authorities, to appoint pilots and regulate the duties of the same, be, and the same are hereby repealed.

Approved February 28, 1839.

No. 18.—AN ACT to create a body corporate and politic by the name of the St. Joseph Chamber of Commerce.

Preamble.

Whereas a large number of merchants of the city of St. Joseph have petitioned that a charter be granted them, creating a chamber of commerce, and have set forth that such an institution is much required by the mercantile community, as tending to diminish litigation, and to establish uniform and equitable charges, and considering that the chamber of commerce may thus tend to the general advantage of the citizens of this Territory as well as the furtherance of the commercial interest thereof—

Corporation.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That E. J. Hardin, John A. Deblois, William R. Daffin, George Stewart, George W. Smith, H. R. Wood, M. L. Cavert, George W. Ufford, Henry Penny, E. W. Doubleday, R. Herring, P. G. Street, Solon Horn, N. Heyden, J. L. Smallwood, J. B. Starr, Thomas Bertram, John Dyckman, William H. Shepard, Marcus Trumble, A. Thomson, W. W. Street, T. J. Whaley, E. J. Wood, J. A. Blackwell, J. M. McKinney, J. S. Cantwell, E. B. Fuller, and John Jenkins, merchants of the city of St. Joseph, their associates and successors be, and they are hereby declared to be a body corporate and politic by the name of the St. Joseph Chamber of Commerce, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatsoever kind, nature, and quality, to any amount not exceeding fifty thousand dollars, to sell, grant, demise, alien, or dispose of the same; to sue, and be sued, plead, and be impleaded, answer, and be answered, defend, and be defended, in any suit, action, matter, or thing, depending in any court of law or equity, to make, have, and use a common seal, the same to alter and renew at pleasure.

Powers and privileges.



and also to ordain, establish, and put in execution such rules and by-laws as shall be deemed necessary for the government of said corporation, not contrary to the constitution or laws of the Territory of Florida, or to the constitution or laws of the United States. Rules and by-laws.

Sec. 2. Be it further enacted, That this act of incorporation shall take effect from and after its passage, and continue in force until the Governor and Legislative Council shall change, alter, amend, or repeal the same.

Approved March 2, 1839.

No. 19.—AN ACT to provide for the appointment of Weighers of Cotton for the City of Tallahassee and Town of St. Marks.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That there shall be appointed by and with the advice and consent of the Legislative Council, at each of the above named places, one fit and competent person to superintend the weighing with his own scales or balances, such cotton brought to market in the usual bales or packages, as he may be required to weigh. He shall hold his office for the term of three years, subject to removal at any time by a vote of two-thirds of the Council, and for any cause, and by the Governor, for gross and palpable misconduct. When a vacancy may occur by death, resignation, removal from office or from the county, it shall be filled by the Governor until the ensuing session of the Legislative Council. Governor to appoint weighers. May be removed.

Sec. 2. Be it further enacted, That every person, so appointed before entering upon the duties of his office, shall take an oath, to be administered by any Justice of the Peace in the county, faithfully and impartially to execute the duties of his office and make true returns; he shall be in readiness at all times during business hours to discharge said duties; he shall have power to appoint and employ a deputy, who shall also be sworn to perform his duty, and for whose acts the principal shall be liable. He shall certify the weight in detail, and at the request of purchaser or seller, the merchantable condition of cotton weighed by him. Shall take an oath. May appoint a deputy.

Sec. 3. Be it further enacted, That he shall be liable in any court of competent jurisdiction for malfeasance in office and fraud, and on conviction shall be removed from office, and shall be liable to damage at the suit of the party aggrieved. Penalty for misconduct.

Sec. 4. Be it further enacted, That he shall keep accurate

and well adjusted scales or balances, and accurate weights, and shall mark with ink and in legible characters on each bale, the weight thereof, and the initials of his name and office.

Sec. 5. Be it further enacted, That he shall not permit the use of hooks or instruments of any kind which may rupture or tear the bale or package while in his charge, under a penalty of ten dollars for each bale so injured, and be liable in a civil action to the owner thereof.

Sec. 6. Be it further enacted, That he shall be allowed for each bale weighed, marked, and certified by him, ten cents, and shall not be obliged to deliver the cotton so weighed, marked, and certified, until the said charge be paid and satisfied.

Sec. 7. Be it further enacted, That this act shall be in force from and after the passage thereof.

Approved March 2, 1839.

No. 20.—AN ACT to authorize the County Court of Franklin County to levy a tax for the building a Jail in said County.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the county court of Franklin county be, and is hereby authorized for the purpose of building a good substantial and safe jail in said county, to assess and levy such tax on all taxable property situated in said county as in its discretion it may deem expedient and proper.

Sec. 2. Be it further enacted, That the same officer who may be collector of the Territorial taxes, at the time of the assessment of the aforesaid tax, shall be qualified and empowered to collect said tax under the same rules and regulations as said Territorial taxes are now collected.

Sec. 3. Be it further enacted, That as soon as said tax is assessed or levied as aforesaid, the county court of said county is hereby empowered and authorized to pursue such steps and measures as it may deem expedient to carry the object of this law into operation.

Sec. 4. Be it further enacted, That this act shall be in force from and after its passage.

Approved March 1, 1839.

No. 21.—AN ACT to Incorporate the Oscilla Academy in the County of Jefferson.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, that the Academy east of the Oscilla in the county of Jefferson, shall be known and styled by the name of the Oscilla Academy, and that John Bellamy, A. B. Shehee, Loyd Skannal, William Bailey, Elias Edwards, Abram Bellamy, and Samuel R. Sessions, and their successors in office, be, and they are hereby declared to be a body politic and corporate by the name and style of the Trustees of the Oscilla Academy, and as such, shall be capable and liable in law, to sue, and be sued, plead, and be impleaded, and shall be authorized to make such by-laws and regulations as may be necessary for the government of said Academy: provided that such by-laws be not repugnant to the laws of this Territory, or the laws or constitution of the United States, and for that purpose they may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Sec. 2. Be it further enacted, That the said trustees shall be, and are hereby made capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges, and immunities, whatsoever, which may belong to said institution, or hereafter may be conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit, and behoof of the said Academy.

Sec. 3. Be it further enacted, That when any vacancy may happen by death, resignation, or otherwise, of any of the trustees of said Academy, the survivors, or a majority of said trustees, shall fill the vacancy in such manner as shall be pointed out in the by-laws and regulations of the trustees aforesaid.

Approved February 29, 1839.

No. 22.—AN ACT to establish an Academy on the Mickasukie Lake in the County of Leon, and to Incorporate the Trustees thereof.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the school now in operation in the neighborhood of the Mickasukie Lake in the county of Leon, shall be constituted a public Academy by the name and style of Micka-

Corporation.

sukie Academy, and that Thomas Reynolds, Theodore Turnbull, Augustus Alston, John Cason, John C. Montford, Miles Blake, Kidder M. Moore, and George E. Dennis, and their successors in office be, and they are hereby declared to be a body politic and corporate by the name and style of the trustees of Mickasukie Academy, and as such, shall be capable and liable in law, to sue, and be sued, plead, and be impleaded, and be authorized to make such by-laws and regulations as may be necessary for the government of said Academy: provided that such by-laws be not repugnant to the laws of this Territory, or the laws or constitution of the United States; and for that purpose they may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Powers.

May receive and hold property.

Sec. 2. Be it further enacted, That the said trustees shall be, and are hereby made capable of accepting and being vested with all manner of property, real and personal, all donations, gifts, grants, privileges, and immunities whatsoever, which may become necessary for the use of said Academy, and which may belong to said institution, or may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use, benefit, and behoof of the said Academy.

Vacancy how filled.

Sec. 3. Be it further enacted, That when any vacancy may happen, by death, resignation, or otherwise, of any of the trustees of said Academy, the survivors, or a majority of said trustees, shall fill the vacancy, in such manner as shall be pointed out in the by-laws and regulations of the trustees aforesaid.

Spirituos li. quors shall not be retailed.

Sec. 4. Be it further enacted, That it shall not be lawful for any person or persons to retail spirituous liquors, within one mile of said Academy, under the penalty of five hundred dollars for every such offence, to be recovered by a presentment of the grand jury of the Superior court for said county, and the fine when collected, one-half shall go to the support of said school, and the other half to the Territory.

Approved February 25, 1839.

---

No. 23.—AN ACT to Incorporate the Trustees of the Calhoun Academy in the County of Madison.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the Academy in the town of Madison, in the county



of Madison, shall be known and styled by the name of the Calhoun Academy, and that Lucius Church, John Miller, S. J. Perry, Thomas Livingston, D. B. Ewing, Thomas J. Linton, S. B. Richardson, M. E. Livingston, and Thomas Anderson, and their successors in office, be, and they are hereby declared to be a body politic and corporate by the name and style of the trustees of the Calhoun Academy, and as such, shall be capable and liable in law, to sue, and be sued, plead, and be impleaded, and shall be authorized to make such by-laws and regulations as may be necessary for the government of said Academy: provided, that such by-laws be not repugnant to the laws of this Territory, or the laws and constitution of the United States, and for that purpose they may have and use a common seal, and appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Name.

Corporation.

Privileges.

Sec. 2. Be it further enacted, That the said trustees shall be and are hereby made capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges, and immunities, whatsoever, which may belong to the said institution, or hereafter may be conveyed or transferred to them or their successors in office, to have and to hold the same, for the proper use, benefit, and behoof of the said Academy.

May hold property.

Sec. 3. Be it further enacted, That when any vacancy may happen, by death, resignation, or otherwise, of any of the trustees of said Academy, the survivors, or a majority of said trustees of said Academy, shall fill the vacancy in such manner as shall be pointed out by the by-laws and regulations of the trustees aforesaid.

Vacancy how filled.

Approved February 23, 1839.

No. 24.—AN ACT to authorize the Trustees of the Calhoun Academy in the County of Madison to rent the School Lands in said County and for other purposes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the trustees of the Calhoun Academy, in the county of Madison, be, and they are authorized to take possession of the school lands within said county, to use all proper and lawful remedies for the recovery of the same, in case possession should be refused to them; to lease the same from year to year, not exceeding five years, and to add such stipulations and conditions to each lease, as to them

Trustees to take possession of school lands.

shall seem just and reasonable : provided, however, that no such lease should be construed to prevent the operation of any general law, which may be hereafter passed in relation to the school lands.

Sec. 2. Be it further enacted, That the said trustees are hereby authorized and empowered to receive such rents and profits as may hereafter accrue upon said lands so leased, as aforesaid, and use all proper and lawful means to recover the same, when neglect of payment occurs.

Sec. 3. Be it further enacted, That the said trustees be, and they are hereby authorized and empowered to demand, sue for, and recover all such rents, profits, or damages as may be due and accruing upon the use and occupation of the aforesaid lands, at any time heretofore used and occupied, and under whatsoever pretence, claim, or right, the same may have been used and occupied.

Sec. 4. Be it further enacted, That the trustees be, and they are hereby authorized and empowered, and it shall be their duty, to apply the monies so received as aforesaid, to the education of poor children within the county of Madison.

Sec. 5. Be it further enacted, That the said trustees, before they proceed to take possession of the sixteenth sections hereby authorized, shall first obtain the assent of the citizens of the townships respectively, in which said sixteenth sections are located.

Sec. 6. Be it further enacted, That all acts or parts of acts, inconsistent with the true intent and meaning of this act, be, and the same are hereby repealed.

Approved March 1, 1839.

#### No. 25.—AN ACT to Incorporate the Alachua Academy.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, there shall be established at Newnansville, in East Florida, an Academy to be styled and known by the name of the Alachua Academy, and that Bennett M. Dell, Wiley Brooks, Cotton Rawles, Jesse Carter, and F. R. Sanchez, and their successors in office, be, and they are hereby declared to be a body politic and corporate by the name and style of the trustees of Alachua Academy, and as such, shall be capable in law, to sue, and be sued, plead, and be impleaded, and shall be authorized to make such by-laws and regulations as may be

necessary for the government of said Academy: provided, that such by-laws be not repugnant to the laws of this Territory, or the laws and constitution of the United States, and for that purpose, may have and use a common seal, and appoint such officers as they may think proper, and remove them from office at their discretion. Proviso.

\* Sec. 2. Be it further enacted, That the said trustees shall be, and they are hereby made capable of accepting, buying, and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges, and immunities, whatsoever, which may belong to the said institution, or which may hereafter be given, granted, conveyed, or transferred to them, or their successors in office, to have and to hold the same for the use, behoof, and benefit of the said Academy, forever: provided, that the amount of real and personal estate shall not exceed fifty thousand dollars. Rights and privileges.

Sec. 3. Be it further enacted, That when any vacancy shall happen or occur among the said board, by death, resignation, or other causes, the vacancy may be filled in such manner as may be pointed out by the by-laws of the said board of trustees. Vacancy filled.

Sec. 4. Be it further enacted, That no tax, county, corporate, or Territorial, shall be levied upon said Academy, or upon any estate, real, personal, or mixed, belonging to said corporation. Not subject to tax.

Sec. 5. Be it further enacted, That this act shall be subject to repeal, alteration, or modification, by any future Legislature of the Territory or State of Florida.

Approved February 23, 1839.

No. 26.—AN ACT to Incorporate the Trustees of the Presbyterian Church, in Tallahassee.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Robert Butler, William W. Waddell, Jabez B. Bull, David C. Wilson, and Benjamin F. Whitner, ruling elders of the Presbyterian Church in Tallahassee, their survivors and successors in office, are hereby declared to be a body corporate, under the name and style of the Perpetual Trustees of the Presbyterian Church in Tallahassee, and in their corporate name and capacity, shall be liable to take and hold real or personal estate: provided, the same shall at no time exceed the sum of fifty thousand dollars, in real estate, and to dispose of the same for the use of the said Church; and shall Name Income limited



Powers and pri-  
vileges

be capable of suing, and being sued, at law and in equity, under the above corporate name and style, and the said corporation shall have power to make rules and by-laws for its government, pursuant to the powers and trusts which have been or may be conferred upon it by the members, patrons, and constitution of said Church, and in conformity with the laws of the land.

Act repealed.

Sec. 2. Be it further enacted, That the act, passed on the thirteenth day of February, in the year of our Lord, one thousand eight hundred and thirty-three, entitled an act to incorporate the Presbyterian Congregation of Tallahassee, is hereby repealed.

Approved March 2, 1839.

No. 27.—AN ACT to Incorporate the Presbyterian Congregation at Mandarin.

Name.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Alexander W. Crichton, Oliver Wood, Andrew D. Wood, Moses Curry, and Joseph E. Summerall, and their successors shall be, and are hereby constituted a body politic and corporate, to be known by the name and style of the trustees of the Presbyterian Church, at Mandarin, in East Florida, and by that name, shall have all the powers and privileges which appertain to natural persons, and which are not herein limited or otherwise directed; and that the said trustees and their successors in office, be, and remain invested with all property, real, personal, and mixed, which is now, or may hereafter become vested, or belonging or due to the said Church, not exceeding fifty thousand dollars, to have and to hold the same, to and for the use and benefit of the said Presbyterian Church; and the said trustees and their successors in office shall be capable of suing and being sued, to implead, and be impleaded, in their corporate name, and of using all necessary legal measures for recovering any property which the said Church may claim or demand, and of recovering the same or any part thereof, with power to make all lawful rules and regulations necessary for the good government of said Church.

Income limited.

Powers of Trustees.

Trustees how  
elected.

Sec. 2. Be it further enacted, That an election for five trustees for said Church shall be held once in each and every year, by a majority of the white male members of the said Church; but should the said election, at any time not be held or made,



then and in that case, the trustees in office shall remain until their Term of office. successors shall be elected.

Approved February 8, 1839.

No. 28.—AN ACT to Incorporate the Protestant Episcopal Church at Jacksonville.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That William J. Mills, Samuel L. Burritt, and Robert Biglow, Wardens, and Harrison R. Blanchard, and such others as were elected Vestrymen of the Episcopal Congregation at Jacksonville, and their successors in office, shall be, and they are hereby declared to be a body corporate, by the name and style of the Church Wardens and Vestrymen of St. John's Church, at Jacksonville; and that the said Church Wardens and Vestrymen, and their successors in office, shall be invested with all manner of property, real, personal, and mixed, including all monies due, or to become due, donations, gifts, grants, hereditaments, privileges, and immunities, whatsoever, which may now, or at any time hereafter, belong to the said Church, and also all monies that have been, or may hereafter be subscribed, given, granted, or conveyed for building a Church for said Congregation at Jacksonville, to have and to hold the same for the proper use, benefit, and behoof of the said Church; and the said Church Wardens and Vestrymen, and their successors in office shall be, and they are hereby declared to be capable of suing, and being sued, and of using all necessary legal measures for recovering or defending any and all property, whatsoever, which the said Church may at any time hold, claim, or demand, and is herein secured, or otherwise, and also with powers to make all necessary rules and regulations, for the temporal government of said Church, and to recover in the name of the said Church, or otherwise, as well the said monies as other property, with all rents, issues, and profits of the same, or any lands, monies, or other estate belonging thereto, or any part or parcel thereof.

Sec. 2. Be it further enacted, That an election for Wardens and Vestrymen for the said Church, shall be held annually, commencing on the first Monday in Easter week, or as soon thereafter as may be, and the said election shall be held and made by the Wardens and Vestrymen and Congregation of the said Church, or a majority of them, and the said Wardens and Vestrymen, or a majority of them, shall have, and they are hereby invested with full power to fill all vacancies which may oc-

Name.

Incorporation.

Privileges.

May hold property.

Elections.

Duty of officers.

Vacancy  
filled.

how cur, by death, resignation, or otherwise, in their own body until the next annual election after the occurrence of such vacancy.

Sec. 3. Be it further enacted, That the property, now owned or hereafter be owned by the said Church as aforesaid, shall not exceed in value the sum of fifty thousand dollars.

Approved February 23, 1839.

No. 29.—AN ACT to Incorporate St. Paul's Church, Quincy, Florida.

Name.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Rector, Wardens, and Vestrymen, of St. Paul's Church, Quincy, and their successors, duly nominated and elected in their place and stead, in the manner hereafter prescribed by this act, shall be, and they are hereby made and constituted a corporation and body politic in law and in fact, by the name and title of the Rector, Wardens, and Vestrymen of St. Paul's Church, Quincy, Florida.

Powers and pri-  
vileges.

Sec. 2. And be it further enacted by the authority aforesaid, That the said corporation and their successors, by the name and title aforesaid, shall forever be able and capable in law, to purchase, have, receive, take, hold, and enjoy in fee simple, or any less estate or estates, any lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise, of any person or persons, bodies politic or corporate, capable to make a gift or bequest thereof, the aggregate value of such gift, grant, alienation, or bequest at no time to exceed fifty thousand dollars, and such money, goods, and chattels, to be laid out by them in a purchase or purchases of lands, tenements, houses, messuages, rents, annuities, or hereditaments, to them and their successors forever : provided, nevertheless, that if, at any time, the Church be without a Rector, all rights and privileges of this charter shall be vested in the Wardens and Vestrymen.

Income limited.

Monies how ap-  
propriated.

Sec. 3. And be it further enacted by the authority aforesaid, That the rent and revenues, profits and interest, of the said Church and corporation, shall, by the said Rector, Wardens, and Vestrymen, and their successors, from time to time, be appropriated for the maintenance and support of the Minister and officers of the said Church, and for the necessary repairs of said Church, the Burial Ground, Parsonage House, and other tenements, buildings or estates, which now do or may hereaf-

ter belong to the said Church, and to such other use as the said corporation shall agree upon for the service of the said Church.

Sec. 4. And be it further enacted by the authority aforesaid, That the Rector, Wardens, and Vestrymen, and their successors shall and may grant, alien, or otherwise dispose of any messuage or messuages, house or houses, lands, tenements, or hereditaments which now does or may hereafter belong to it, as to them may seem meet : provided, always, that in the disposition, sale, or alienation of such messuages, houses, lands, tenements, and hereditaments, the consent of at least two-thirds of the whole number of the Vestry shall be had and obtained, and also the monies arising from the said disposition or sale, shall be appropriated to the purchasing and procuring other messuages, houses, lands, and tenements, or in making other investments for the said corporation, which two-thirds of the said Vestry shall deem proper and expedient, and to no other purpose or purposes, whatsoever.

May sell lands  
Conditions.

Sec. 5. And be it further enacted by the authority aforesaid, That the Rector, Wardens, and Vestrymen, and their successors shall and may convene from time to time to make rules, by-laws, and ordinances, and to transact every thing requisite to the good government and support of the said Church : provided, always, that the said by-laws be not repugnant to the laws of this Territory ; all such rules, by-laws, ordinances, and transactions shall be entered in a book to be provided by the Wardens for that purpose.

May make rules  
and by laws.

Sec. 6. And be it further enacted by the authority aforesaid, That the Rector, Wardens, and Vestrymen, of the said Church shall have full power and authority to make, have, and use a common seal, with such device or devices, and inscriptions as they shall think proper, and the same to break, alter, or renew at their pleasure.

Seal.

Sec. 7. And be it further enacted by the authority aforesaid, That the Rector, Wardens, and Vestrymen, and their successors, by the name and title before mentioned, shall be able and capable in law to sue, and be sued, plead, and be impleaded, in any court or courts, before any Judge or Judges, Justice or Justices, in all and all manner of suits, complaints, causes, matter or demands, of whatsoever kind, nature, or form they may be, and all and every other matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate, in this Territory, in the like cases may or can do, and that they shall have full power to demand and receive, and if need be, sue for and recover all debts and

Rights and pri  
vileges.



legacies which are or may be due to the said Church or the Rector thereof.

Vestry and Wardens.

Sec. 8. And be it further enacted by the authority aforesaid, That the Vestry of the said Church shall consist of not less than five, or more than ten persons, in addition to the Rector thereof, which said person shall be elected by ballot on the first Monday in December, in each and every year, and every election shall be conducted by the Wardens of the said Church, who are hereby made Judges of the said election.

Vestry may elect Rector.

Sec. 9. And be it further enacted by the authority aforesaid, That whenever a vacancy shall occur in the Rectorship, the said Vestry, by a vote of at least two-thirds of the whole number, shall choose and elect some fit person, being an Episcopal Clergyman, in regular standing and duly qualified to officiate as Rector of the said Church, agreeably to the constitution and canons of the Protestant Episcopal Church in the United States of America, who shall be ex-officio President of the Vestry and shall always be entitled to one vote, when present at the meetings of the said Vestry.

Approved February 28, 1839.

No. 30.—AN ACT to Incorporate the Town of Newnansville.

Corporate privileges.

Rights.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all the free white inhabitants residing within the limits of section 11, in township eight, range eighteen, comprehending at present the site of the town of Newnansville, and their successors, be, and are hereby declared a body politic and corporate by the name and style of the town of Newnansville, with all the rights, privileges, powers, and authority incident to and appertaining to a body corporate and politic, or natural person, and by that name and style may sue, and be sued, plead, and be impleaded, hold, possess, and enjoy real estate, personal and mixed property, and transfer the same, and so dispose of and manage the funds of said town, as shall be most beneficial to the interest thereof.

City Council.

Sec. 2. Be it further enacted, That the government of said town shall be vested in an Intendant and five Councilmen, to be designated and known as the Town Council of Newnansville, each of whom, in addition to the qualification of a voter, shall at the time of and for three months immediately preceding the election have resided within the limits thereof.

Sec. 3. Be it further enacted, That the Town Council shall



annually, on the first Monday in January, be elected by the qualified voters of the said town, and it shall be their duty at their first meeting to elect from among themselves the Intendant, who shall hold his office until the next annual election : provided, however, that the said Intendant and Councilmen shall continue to exercise their respective functions until their successors shall have been elected : and provided moreover, that the first election under this charter shall take place on the first Monday in April next, ensuing, under all the rules, regulations, and restrictions in this act prescribed, under the superintendence of Thomas Colden, Sen., Jesse Carter, and James Pindarvis, or any two of them.

Intendant how  
elected.

Election when  
held.

Sec. 4. Be it further enacted, That the Town Council shall have full power and authority to prevent and abate nuisances, compel the owners of lots, upon which pools of water are, or are likely to accumulate, to fill them up, and in default thereof, to cause the same to be done at the expense of the owner ; to guard against the introduction or propagation of infectious or contagious diseases ; and generally to ordain and enforce such measures as may be necessary for the protection and preservation of the public health of the town. They may erect all necessary public buildings, and dispose of the same as the interest of the town may require ; they may sink wells, erect pumps, dig drains, lay out burial grounds, and regulate and take care of the same ; they shall have power to regulate, improve, alter, and extend the streets, lanes, avenues, and public squares, and to open new streets, and cause encroachments, obstructions, decayed buildings, and all ruins to be removed ; they shall have power to establish and regulate patrols, to regulate the trafficking with persons of colour, to regulate markets, the safe keeping of a standard of weights and measures, the storing of gunpowder, and the conducting of auction sales, within the limits of the town ; they shall have power to license the retailers of spirituous liquors and keepers of taverns, and to restrain and prohibit lotteries, which have not had the sanction of the Legislative Council, raffling of all kinds, gaming, and gaming houses, houses of ill fame, tippling houses, to regulate theatrical and other public exhibitions, to suppress riots and disorderly assemblies, and to provide for the punishment of all persons guilty of breaches of the peace within the limits of said town.

Powers of Town  
Council.

Patrols.

Licences.

Sec. 5. Be it further enacted, That the Town Council shall have full authority to define the objects of taxation, establish the rates thereof, and provide for the collecting of the same.

May levy tax.

Sec. 6. Be it further enacted, That the Town Council shall

May indict punishment in certain cases.

have the same authority to commit to prison for contempts: provided, the term of imprisonment shall not exceed twelve hours, and the fine not exceed five dollars; and for the non-payment of fines and forfeitures, as is vested in the criminal courts of the county. They shall in no case inflict imprisonment as a punishment for the infraction of any of their ordinances, but shall have power to fine or to recognize the party to answer for the same at the next session of the Superior court.

Notice for Elections how given.

Sec. 7. Be it further enacted, That the Intendant shall give ten days notice of the annual election, and appoint three citizens as inspectors to conduct the same: provided, that, should he neglect to order said election at the proper time, it shall be lawful for the Judge of the county court or the Justices of the Newnansville District, upon the application of any two qualified voters of said town, to order the said election as soon thereafter as practicable.

Who entitled to vote.

Sec. 8. Be it further enacted, That all white male inhabitants, of twenty-one years and over, who shall have resided within the corporate limits of said town, for at least three months immediately preceding the day of election, and who shall have satisfied all taxes or fines imposed upon them by any ordinances of the town, shall be entitled to vote for the Town Council.

Vacancies.

Sec. 9. Be it further enacted, That the Town Council shall have the power to fill all vacancies that may occur in their body, from resignation, death, or other causes.

Quorum.

Sec. 10. Be it further enacted, That the Intendant and two Councilmen, and in the absence of the Intendant, three Councilmen shall constitute a quorum to do business; they may compel the attendance of absent members, judge of the qualifications of their own members, and of the correctness and regularity of the election returns and settle their own rules of proceeding.

Duty of Intendant.

Sec. 11. Be it further enacted, That it shall be the duty of the Intendant to exercise a general supervision over the interests of the town, to see that the ordinances are enforced, to issue all processes, to convene the Council at such times as he may deem expedient, to preside at all the meetings thereof, and to give a casting vote in cases of a tie.

Town Constables.

Sec. 12. Be it further enacted, That the Town Council shall have the power to appoint a Town Constable or Constables, whose duty it shall be to serve all processes, and to perform such other duties as may be appointed him, to suppress all riots and breaches of the peace, and to this end he is hereby vested with all the authority, rights, and privileges, possessed by

the Constables in the Magistrates' District, in this Territory : provided, his fees be such as are provided by law for similar services.

Sec. 13. Be it further enacted, That the Intendant and Councilmen shall respectively enjoy and exercise the authority as conservators of the peace.

Sec. 14. Be it further enacted, That the right of appeal to the Superior court shall be guaranteed to any person who may feel aggrieved by any decision under any of the ordinances of the town : provided, he shall comply with the requisites exacted of parties taking appeals to the Superior courts in ordinary cases. Appeal from decision of Council.

Sec. 15. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved February 25, 1839.

No. 31.—AN ACT to amend an act passed January 31st, 1838, entitled an act to Incorporate the City of Apalachicola.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all future elections under and by virtue of the act to which this is an amendment shall be held on the first Monday of January, annually. Elections when held.

Sec. 2. Be it further enacted, That the election of Mayor and Alderman for the said city of Apalachicola, held on the first Monday of January last, is hereby declared valid and legal to all intents and purposes, and that all acts done and performed, and to be done and performed by said Mayor and Aldermen, shall be as legal and valid as if said election had been held on the first day of January last, agreeably to the act of the Legislative Council to which this is an amendment. Election legalized.

Sec. 3. Be it further enacted, That no master or other officer, or seaman of any merchant vessel, lighter, or other craft, temporarily employed, or trading at said port of Apalachicola, notwithstanding said vessel may belong to a regular line of packets, or be otherwise periodically engaged in lightering or loading other vessels, shall on that account be entitled to vote.—And naturalized citizens shall be required, when called on, to exhibit their papers of naturalization to the inspectors before they shall be permitted to vote. Who disfranchised.

Sec. 4. Be it further enacted, That it shall be the duty of the clerk of the City Council to keep a registry or list of all the legal voters, and it shall be the duty of each voter to have his Registry of Voters.



name entered on said registry before the day of election in order to be entitled to vote.

Sec. 5. Be it further enacted, That this act shall be in force from and after its passage.

Repealing clause Sec. 6. Be it further enacted, That all laws or parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved March 2, 1839.

---

No. 32.—AN ACT to amend the several acts Incorporating the town of Marianna.

Corporate limits. Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the corporate limits of the town of Marianna shall extend one mile on every side from the Court House, in the public square of said town, except the eastern boundary thereof, which shall extend to the Chipola river.

Repealing clause Sec. 2. Be it further enacted, That all laws inconsistent with the provisions of this act, be, and the same are hereby repealed, and that this act shall be in force from and after its passage.

Approved March 4, 1839.

---

No. 33.—AN ACT to amend the act Incorporating the City of St. Joseph.

Who may vote. Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all white male inhabitants, being citizens of the United States, and of the age of twenty-one years, who shall have resided within the said city at least one year immediately preceding the day of election, or who, having landed estates in said city, do occasionally reside therein, and shall have paid their poll tax, shall be entitled to vote for Mayor and Aldermen; but no person shall be eligible to the office of Mayor or Alderman who is not at the time of his election a freeholder in said city; all votes at city election shall be given by ballot.

Qualifications  
for Mayor and  
Alderman.

Section repealed. Sec. 2. Be it further enacted, That the ninth section of an act entitled an act incorporating the City of St. Joseph, approved February 10th, 1836, be, and the same is hereby repealed.

Approved March 1, 1839.



No. 34.—AN ACT to incorporate the City of Pensacola, and repeal the act entitled an act to incorporate the City of Pensacola, and improve the Public Roads in the neighborhood thereof, approved February 15, 1833.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all free white inhabitants, in that part of Escambia county, comprehended within the following boundaries, that is to say, bounded on the south and east by the harbour of Pensacola, on the west by bayou Chico, on the north by a line drawn north-east from Galves' spring to where said line will intersect the bayou Texar, thence with the said bayou to Pensacola bay, shall be, and are hereby constituted a body politic and corporate, by the name and style of the city of Pensacola; and by their corporate name may sue, and be sued, implead, and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, or dispose of the same for the benefit of the said city; and may have and use a city seal, which may be altered or broken at pleasure.

Limits of Corporation.

Sec. 2. Be it further enacted, That the government of the said city shall be vested in a person to be called the Mayor, and in a board of Aldermen, to be elected in the manner, by the persons, and at the time hereinafter directed.

Officers.

Sec. 3. Be it further enacted, That all free white male inhabitants who are citizens of the United States, and of the age of twenty-one years and upwards, and who have resided twelve months in the city, next preceding the day of election, shall be qualified to vote at the election of Mayor and Aldermen; and the election shall be held on the first Monday of April in every year, by three commissioners, to be appointed by the board of Aldermen, at least ten days before the day of election.

Qualification of voters.

Sec. 4. Be it further enacted, That all free white male citizens of the United States, of the age of twenty-five years and upwards, who shall have resided one year in the city, next preceding the day of election, shall be eligible to the office of Mayor or Alderman.

Mayor and Aldermen

Sec. 5. Be it further enacted, That the Mayor and Aldermen shall, in all cases, continue to act in their respective functions until their successors are elected and qualified to serve; and the board of Aldermen shall have power to fill vacancies in their own body in the manner hereinafter directed.

Term of office.

Sec. 6. Be it further enacted, That the whole number of Aldermen elected shall be seven; and said election of Mayor and Aldermen shall be made by ballot, and shall be held at such place within the limits of the city as said commissioners shall appoint.

Election how held.

Mayor. Sec. 7. Be it further enacted, That the board of Aldermen shall, within five days after their election, convene at such place as the Mayor may appoint, and proceed to the election by ballot of one of their own members as President of the board—whereupon the said President shall administer to the Mayor, and afterwards to the other Aldermen, respectively, the following oath or affirmation : I, A. B., do solemnly swear, [or affirm, as the case may be,] that I will, to the utmost of my power, support, advance, and defend the good order, peace, and welfare of the city of Pensacola and its inhabitants, and will faithfully demean myself in the office of Mayor or Alderman of the city of Pensacola. And I do further swear, or affirm, that I will support the Constitution of the United States. And a like oath shall then be administered by the Mayor to the President of the board of Aldermen.

Duties of City Council. Sec. 8. Be it further enacted, That the Mayor, with the advice and consent of the board of Aldermen, shall appoint all necessary officers for the city ; and the Mayor and board of Aldermen shall have power to fix and cause such compensation to be given them, and to the Mayor, as they shall deem fit and proper : provided, that the salaries or compensation shall not be increased or diminished during their respective terms of service—and provided, that no law or ordinance shall be passed granting a salary, per diem allowance, or fees to the members of the board of Aldermen.

Board of Health. Sec. 9. Be it further enacted, That the Mayor and board of Aldermen shall constitute a board of Health for said city, and shall have power to appoint all necessary officers to enforce and carry into effect all laws of the Territory and of the board of Aldermen, regulating the quarantine of vessels, and for the preservation of the health of the said city.

Quorum. Sec. 10. Be it further enacted, That two-thirds of the members of the board of Aldermen shall be a quorum to do business ; but a smaller number may adjourn from day to day.—The board may compel the attendance of members in such manner and under such penalties as they may, by their regulations, provide ; they shall settle their rules of proceedings, appoint their own officers, regulate their respective fees, and remove them at pleasure ; they shall judge of the election returns and qualifications of their own members, and may, with the concurrence of three-fourths of the whole, expel any member for disorderly behaviour or mal-conduct in office. They shall keep a journal of their proceedings, and enter the yeas and nays on any question, resolve, or ordinance, at the request of any two members. Their deliberations shall be public, and all ordinan-

Powers of Council.

Duties.

ces or laws passed by the board shall be submitted to the Mayor for his approbation, and when approved by him, shall be obligatory as such. But, if the Mayor shall not approve of such ordinance or law, he shall return the same within five days, with his reasons in writing therefor; and if two-thirds of the board of Aldermen on re-consideration thereof, still approve of the same, it shall be in force in like manner, as if he had approved it: provided, that no ordinance of said board of Aldermen shall go into operation until the same shall have been published in a newspaper printed in the city of Pensacola, or by posting a copy thereof, in three of the most public places in the city.

Veto power

Ordinances to be made public.

Sec. 11. Be it further enacted, That it shall be the duty of the Mayor to see that the ordinances of the corporation be duly executed, and he shall report the negligence or misconduct of any officer to the board of Aldermen, who, on satisfactory proof thereof, may remove from office the said delinquent, or take such other measures as shall be just and proper, and he shall have power to convene the board of Aldermen when in his opinion the public good may require it.

Duty of Mayor.

Sec. 12. Be it further enacted, That the commissioners which may be appointed by the board of Aldermen to hold an election, shall, on the day appointed for holding the election, take an oath before some person qualified to administer the same, that they will, without fear or favor, faithfully and impartially conduct said election, and they shall open a poll book for the reception of votes, and cause the names of the voters to be recorded, and which shall be deposited among the archives of the city as soon as they shall have completed the duties therein assigned them. The poll shall be opened at nine o'clock in the morning and close at five o'clock in the afternoon, after which time the commissioners shall proceed to count the votes, and declare the person elected as Mayor, and the persons elected as Aldermen, who respectively shall have received a plurality of the votes taken; and the said commissioners shall make out a written certificate thereof, at the foot of the poll book, and deliver a copy thereof within twenty-four hours to the Mayor elect, who, on receipt of the same, and within five days from his election, shall signify his acceptance or refusal.

Commissioners to hold elections

Time of opening and closing polls

Sec. 13. Be it further enacted, That in case no election shall be holden from unavoidable cause, at the time pointed out by this act, the charter of the corporation shall not be forfeited, but it shall be the duty of the Mayor to name another day for holding the election, as near as convenient to the one pointed out by this act.

Election.



Vacaney how  
filled. Sec. 14. Be it further enacted, That in case of the absence of the Mayor, the President of the board of Aldermen shall have and exercise all the powers of the Mayor, and perform all his duties; but in case of the death or resignation of the Mayor, the board of Aldermen shall order an election to fill the vacancy for the remainder of the term, and in the manner provided by this act.

Contracts how  
made. Sec. 15. Be it further enacted, That it shall not be lawful for the Mayor, or any Alderman, to be concerned, directly or indirectly, in any contract in which the city of Pensacola is or may be interested. And before any contract shall be entered into, the Mayor shall give ten day's notice in some newspaper published in the city, or if there be no newspaper, then in such manner as the Mayor may deem proper, that sealed proposals will be received for such contract, and proposals shall be submitted to the board of Aldermen, who shall have the right to accept any one of such proposals, or reject them altogether, if they shall deem it proper, and if no proposals should be made, then the board of Aldermen may act in any way they may think best.

Powers of corpo-  
ration. Sec. 16. Be it further enacted, That the said corporation shall have full power and authority to pass all laws and ordinances to prevent nuisances, and to remove them, and to pass all necessary laws imposing fines and penalties for violation of their ordinances, and quarantine regulations; to establish night watches and patrols, and to erect lamps to regulate the stationing, anchorage and mooring of vessels; to regulate and restrain theatrical and other public amusements; to regulate and establish markets; to erect and repair workhouses, houses of correction, and other public buildings; to make and keep in repair all necessary streets, drains and sewers; to regulate burying-grounds, and the sweeping of chimnies; to establish and regulate fire wards and fire companies; to sink wells, and to erect and repair pumps in the streets; to regulate and control the use of springs in the city; to establish and regulate the inspection of cotton, lumber, tobacco, and other articles; the gauging of casks and liquors; to regulate the storage of gunpowder and all naval and military stores; to regulate the weight and price of bread; to restrain or prohibit tippling houses and lotteries; to preserve the bay and harbour adjoining the city; to erect, repair and regulate public wharves, and to repair docks and basins; to provide for the establishment and government of public schools; to open, alter, regulate and pave the streets: to remove all old and decayed buildings or ruins, provided they make to the person or persons who may be injured thereby just

Fire companies.  
inspectors.  
Wharves, docks,  
streets. &c.



and adequate compensation, to be ascertained by a verdict of a jury to be summoned by the sheriff of Escambia county, or his deputy, by virtue of a precept from a justice of the peace, among disinterested citizens of the city, who, previous to entering upon their duty, shall be sworn to faithfully perform the duties assigned them, and the said corporation shall have power to borrow money, for the use of the city, provided the sum borrowed shall not exceed in any year five thousand dollars, nor a greater rate of interest paid therefor, than the lawful interest of the Territory, to provide for the support of the poor, infirm, diseased, and insane of the city: to restrain and punish offences, committed by negroes and people of color; to tax and regulate venders of merchandise, retailers of liquors, billiard tables, tavern keepers, carriages, carts, wagon and drays; and to lay and impose taxes generally, and to provide for the collection thereof: provided, that no tax shall be imposed on real property, at any higher rate than three-quarters of one per centum on the assessed valuation of such property; and to pass all ordinances necessary to give effect and operation to all the powers vested in the corporation.

May borrow money.

General regulations.

Rate of tax.

Sec. 17. Be it further enacted, That all fines, forfeitures, penalties, and taxes imposed by the corporation, shall be recoverable before the Mayor, a justice of the peace, or any court of record; and if the person or persons by whom the same shall be due, and unpaid, shall be non-residents of the city, or shall have absconded therefrom, the corporation shall have the same remedied by attachment for the recovery thereof, as is by law provided, in case of absent or absconding debtors.

Fines and forfeitures how recovered of non residents.

Sec. 18. Be it further enacted, That an act, entitled an act to incorporate the city of Pensacola, and improve the public roads in the neighborhood thereof, approved February 15, 1833, be, and the same is hereby repealed: provided, that all laws or ordinances, and resolves in force, at the repeal of said act, shall continue to be in force until altered, amended, or repealed, and all fines, penalties, forfeitures, and taxes, that have accrued under the ordinances of said corporation, shall be collected in the same manner, as if the above recited act had not been repealed; and provided, that such repeal shall not be construed to vacate the offices of the Mayor and board of Aldermen of said city; but the said Mayor and Aldermen shall continue to have and exercise their said office until the day prescribed by this act for a new election.

Act repealed.

Proviso.

Sec. 19. Be it further enacted, That this act shall not be in force until the Mayor and Aldermen, to be elected on the first

Monday of April next, shall have signified their assent thereto, by entering such assent in the journal of their proceedings.

Approved March 2, 1839.

No. 35.—AN ACT supplemental to the act Incorporating the Lafayette Salt Company at Key West.

Elections how held.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, elections may be held for Directors of said Company, under the supervision of any two or three stockholders, any thing in the said charter to the contrary notwithstanding; and that the second section of the act to amend said charter, approved 26th January 1838, and the same is hereby repealed.

Approved February 25, 1839.

No. 36.—AN ACT to amend an act entitled an act to Incorporate the St. Andrews and Chipola Canal Company.

Act when take effect.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the several conditions and restrictions contained in the act of incorporation of said company, and in the amendments thereto, shall not take effect or commence their operation until after the amendments to said acts shall receive the Legislative sanction of the Congress of the United States.

Section repealed.

Sec. 2. Be it further enacted, That the thirteenth section of an act to amend an act entitled an act to incorporate said company, be, and the same is hereby repealed.

Location of road.

Sec. 3. Be it further enacted, That the coporators of said company shall have the privilege of constructing a rail road from St. Andrew's Bay to the Florida line, or to any intermediate point, without forfeiting any other of their chartered rights that they may desire to retain: provided, they shall locate the road in two years, and complete the same in eight years after this act shall receive the Legislative sanction of the Congress of the United States; provided, the said company shall not unite with the Brunswick and Florida Rail Road Company.

Approved March 4, 1839.

No. 37.—AN ACT to amend the several acts to Incorporate the Lake Wimico and St. Joseph Canal and Rail Road Company.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Lake Wimico and St. Joseph Canal and Rail Road Company shall have the right to construct a Steamboat Canal, for the transportation of passengers, goods, wares, merchandize and produce of all kinds, whatsoever, from any point on the Apalachicola river, to such point on the bay of St. Joseph as the said company may select, and to enable the said company to construct said canal, they are hereby authorized to increase their capital stock to two millions of dollars, to be subscribed for in the manner prescribed by the act to which this is an amendment.

Canal location.

Capital stock may be increased.

Approved March 4, 1839.

No. 38.—AN ACT to authorize the Brunswick and Florida Rail Road Company to extend their Improvements into the Territory of Florida.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Brunswick and Florida Rail Road Company be, and is hereby organized as a corporate body, and shall be known and acknowledged in said Territory by the name and style of the Brunswick and Florida Rail Road Company, and be capable of entering into contracts, of suing and being sued, and of enjoying all other necessary powers and privileges of constructing, maintaining, using, and enjoying a Rail Road, subject, nevertheless, to the conditions, limitations, and restrictions, hereafter prescribed and declared.

Incorporation.

Privileges, &c.

Sec. 2. And be it further enacted, That the said company shall enter the Territory at, or near the valley of the Oscilla river, and proceed thence to Tallahassee; from Tallahassee they may continue their road to the Apalachicola river, or to St. Andrew's Bay, or to Choctawhatchie Bay.

Route.

Sec. 3. And be it further enacted, That the said company shall, within one year from the passage of this act by the Council, survey and finally locate the road, they intend to construct, and make a report to the Governor of the Territory, which shall be binding. They shall complete the construction of the road they intend to make through the Territory, within six years from the passage of this act.

Road when located.



Other roads may  
connect.

Sec. 4. And be it further enacted, That said company shall permit any Rail Road Company to construct a Rail Road from the seat of justice in each county through which the said Brunswick and Florida Road may pass; shall maintain at the point of junction the necessary establishments as a depot; shall receive, protect, and forward the goods, wares, and merchandize, and passengers delivered by said county Rail Road, or destined to them from any point on the Brunswick and Florida Road, at the lowest charges and rates herein established.

Rates of trans-  
portation.

Sec. 5. And be it further enacted, That said company shall have the exclusive right of transportation of goods, wares, and merchandize, and persons, over said road, to be by them constructed, as well in Georgia as in Florida, at the following rates and charges, and no more or higher: that is to say, for cotton, rice, sugar, molasses, tobacco, and alcoholic liquors, of all kinds, or other articles, the growth or produce of Florida, or owned by the citizens of Florida, they shall be allowed to demand and receive twenty-five cents, for the conveyance of one hundred pounds one hundred miles, and at the same rate for a greater or less distance. For the conveyance of all manufactured articles, not mentioned above, iron and salt excepted, they shall be entitled to demand and receive 40 cents for 100 pounds 100 miles, at the same rate for a greater or less distance. For passengers, 8 cents per mile, with an allowance of 50 pounds of baggage each, all excess of baggage to be subject to the same charge as manufactured goods.

Lien on goods.

Sec. 6. And be it further enacted, That the said company shall have a lien on the goods, wares, and merchandize, passengers' baggage excepted, transported and conveyed over their road for their lawful charges of transportation.

May hold pro-  
perty.

Sec. 7. And be it further enacted, That the said Brunswick and Florida Rail Road Company shall have the right of acquiring and possessing, by purchase, donation, or otherwise, so much land and other real estate as may be necessary for the use and protection of their road and for warehouses and depots.

May use materi-  
als.

Sec. 8. And be it further enacted, That the said company shall have the right to claim and condemn for their own use the land of private individuals, necessary for their roads and depots; also, stone, earth, timber, and all other materials, necessary for the construction of their road in the vicinity of the route of said road, in which they shall pursue the course prescribed in the Tallahassee Rail Road Charter.

Sec. 9. And be it further enacted, That said company shall have power to erect bridges and viaducts across a navigable



stream ; it shall be by means of draw bridges or structures not interrupting the navigation thereof. Bridges.

Sec. 10. And be it further enacted, That this charter shall be liable to forfeiture by appropriate legal process for any violation of this act. Charter may be forfeited.

Sec. 11. And be it further enacted, That the stock and property of said company shall be exempt from taxation during the period of six years after the completion of their road. Tax.

Sec. 12. And be it further enacted, That said company shall have, on the first Monday in June next, books of subscription opened in all the counties in this Territory, and shall continue them open for thirty days. Books when opened for subscription.

Sec. 13. And be it further enacted, That it shall be lawful for the said company to extend a branch from the main trunk to Quincy, in Gadsden county, and thence to the Apalachicola river. Quincy road.

Approved March 4, 1839.

No. 39.—AN ACT to authorize Simeon Driggers to establish a ferry over the Withlacoochee river in the county of Madison.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Simeon Driggers, be, and he is hereby invested with the right and privilege of establishing a ferry across the Withlacoochee river, in the county of Madison, on or near section 20, township 1, range 11, north and east ; and that he and his heirs shall continue to enjoy all the rights and privileges hereby granted for the term of five years. Ferry where located.

Sec. 2. Be it further enacted, That during the said term of five years, no person or persons, whomsoever, shall have the right to establish a ferry or build a bridge within three miles of the ferry, by this act provided for ; unless the same shall be for his, her, or their own exclusive use, and not for the purpose of receiving tolls : provided, that said ferry be kept in sufficient and proper order, and if this shall not be the case, the county court shall have authority to declare that no tolls shall be demanded or exacted, and to give to any other person the right of establishing another ferry. Exclusive privilege.  
Duties.

Sec. 3. Be it further enacted, That the county court of Madison county shall have the right to fix and regulate the rates of toll over said ferry. Court may regulate toll.

Act may be  
amended.

Sec. 4. Be it further enacted, That this act shall be subject to be altered, modified, or repealed, by the Legislature at any time.

E. L. DRAKE,  
Speaker of the House of Representatives.  
JOHN WARREN,  
President of the Senate.

Approved January 29, 1839.

R. K. CALL,  
Governor of Florida.

---

No. 40.—AN ACT to authorize David Platt to establish a Ferry near the junction of the Suwannee and Withlacoochee Rivers, in the County of Madison.

Ferry where es-  
tablished.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That David Platt be, and he is hereby authorized to establish and keep a public ferry at, or near the junction of the Suwannee and Withlacoochee rivers, on or near township one, section twenty-four, range eleven, south and east; and that he be allowed to charge such rates of toll as may be from time to time established by the county court of Madison county.

Rights and du-  
ties.

Sec. 2. Be it further enacted, That all rights and privileges, profits and emoluments, of said ferry be, and they are hereby vested in the said David Platt, his heirs, executors, administrators, and assignees, for the term of five years: provided, he shall keep a flat or boat of sufficient size to carry over a loaded wagon and team, and shall comply with the rules and regulations that may be established by the county court of Madison county, or that may be hereafter provided by law.

Sec. 3. Be it further enacted, That it shall be unlawful for any person to establish or keep a ferry or bridge, within two miles of said ferry, unless the same be toll free, and for his, her, or their own individual use.

Act may be  
amended.

Sec. 4. Be it further enacted, That this act and the privileges herein granted shall be subject to be modified, altered, amended, or repealed by the Legislature of the Territory or State, at any time when the Legislature shall deem it advisable to do so.

Approved February 8, 1839.

No. 41.—AN ACT to establish a Ferry across the Choctawhatchie River.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That John Bryan is hereby vested with the right and power of establishing a ferry, and charged with the duty of keeping the same in repair, across the Choctawhatchie river, at the place known as Bunker's Landing, in Washington county; and the said John Bryan shall continue in the enjoyment of said ferry, for and during the term of five years: provided, the said Bryan shall so long keep the said ferry in good repair.

Where established.

Sec. 2. Be it further enacted, That it shall be unlawful for any other person or persons to keep a ferry within three miles of said landing, on the Choctawhatchie river, except it be for his or her own use, and not for the purpose of gathering tolls.

Rights and duties.

Sec. 3. Be it further enacted, That it shall be the duty of the said John Bryan, his heirs, and assignees, to keep at all times a good and sufficient flat, or craft of sufficient size, to cross a wagon and team; and that he shall be entitled to receive such toll as may be fixed by the county court of Washington county, and be subject to the order of said court or any future Legislative Council of said Territory.

Approved February 8, 1839.

No. 42.—AN ACT to authorize James M. Harris to build a Dam and Lock across the St. Marks River.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That James M. Harris be, and he is hereby authorized to construct a dam across the St. Marks river, at a mill on said river, one-half mile above the town of Magnolia, known by the name of Harris's Mill, in the county of Leon.

Dam where constructed.

Sec. 2. Be it further enacted, That the said Harris shall so construct the said dam as to admit the free passage of boats of all kinds, navigating said river, by means of a gate, or gates, lock, or locks, of not less than twenty-five feet in width; said gates or locks shall be kept in good repair and order, and shall be open, free of any charge or toll, whatsoever, for the passage of any such boat or boats, navigating said river, without unnecessary delay, and shall be liable for all losses and damages which may happen in consequence of the dam aforesaid being constructed across said river.

Passage for boats to be kept open.

Limitation.

Sec. 3. Be it further enacted, That this act shall continue in force for ten years, if the said Harris, his heirs, or assignees shall so long comply with the provisions of the foregoing section, and such other provision as the Legislature may from time to time deem necessary and proper.

May be forfeited.

Sec. 4. Be it further enacted, That in case the said Harris does not comply with the provisions of the second section, this charter shall be considered forfeited to all intents and purposes.

Approved March 2, 1839.

No. 43.—AN ACT for the relief of Esther Sparkman.

Divorce granted.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract, heretofore subsisting between Lewis L. Sparkman and Esther Sparkman, be, and the same is hereby dissolved and enrolled, and that the same Esther Sparkman be, and she is hereby released from all duty to, or connection with the said Lewis Sparkman, by reason of their said marriage heretofore subsisting as fully and completely as if the same had never existed or taken place.

Name changed.

Sec. 2. Be it further enacted, That hereafter the name of the said Esther Sparkman shall be changed to her maiden name, and she shall be called and known by the name of Esther Niblack, and by the name of Esther Niblack shall have and maintain all manner of personal rights, and be bound for all manner of personal liabilities.

Approved February 28, 1839.

No. 44.—AN ACT for the Relief of Christopher H. Edwards.

Relief granted.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Auditor of the Territory do allow, and pass the claim of Christopher H. Edwards, Sheriff of Madison county, for taking the census of said county, under the act of the Council of 1837, at the rate of five cents for each individual inhabitant of said county, as shall appear from the returns thereof, made by the said Sheriff: provided, the said Auditor shall be satisfied the said returns were duly and properly made.

Approved March 1, 1839.



## No. 45.—AN ACT for the relief of Christopher Fletcher.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Territorial Treasurer be, and he is hereby directed to pay to Christopher Fletcher the sum of seventeen dollars, out of any money in the Treasury not otherwise appropriated.

Approved March 1, 1839.

---

## No. 46.—AN ACT for the relief of George Walker.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Auditor of public accounts be, and he is hereby directed to allow George Walker, United States Attorney for the district of West Florida, the sum of two hundred and seventy-five dollars, the said sum being the amount of fees claimed by the said Walker, for criminal prosecutions in the Western District of Florida, and rejected by the said Auditor.

Approved March 1, 1839.

---

## No. 47.—AN ACT for the relief of Major Charles Mapes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Auditor of public accounts be authorized and instructed to audit and allow to Major Charles Mapes, two per centum on such amount of money as he may have disbursed on behalf of the Territory, under the provisions of an act entitled an act for the relief of the Florida troops, during the Indian war, passed February the ninth, A. D. 1838.

Approved March 4, 1839.

---

## No. 48.—AN ACT for the relief of William Kelley.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Treasurer of said Territory be, and he is hereby authorized and directed to pay out of any money in the Treasury, not otherwise appropriated, the

sum of two hundred and forty-four dollars, sixty-two and a half cents, to William Kelley, in full for his services and expenses incurred and paid by him, in guarding and keeping the body of Lewis Salter, a prisoner committed to his charge as an officer under due process of law.

Approved March 4, 1839.

---

No. 49.—AN ACT for the relief of Wilkins C. Smith.

Whereas, Wilkins C. Smith, tax collector in and for the county of Jefferson, did, in the year 1838, collect as Territorial tax the sum of twenty-five dollars, in bills of the Commercial Bank, of Apalachicola, and whereas said Bank failed before he made his return to the Auditor of the Territory,

Sec. 1. Be it therefore enacted by the Governor and Legislative Council of the Territory of Florida, That the Auditor of this Territory be, and he is hereby required to refund to the said Wilkins C. Smith the sum of twenty-five dollars, in good and lawful money, and to receive the aforesaid Commercial Bank money in lieu thereof.

Approved March 1, 1839.

## RESOLUTIONS, &c.

---

### No. 1.—RESOLUTION respecting Yellow River.

Whereas, it is believed by this Legislative Council that the improvements of the navigation of the Yellow river, a stream mouthing into the Bay of Pensacola, would speedily bring a large quantity of the public lands into market, would render accessible a large amount of live oak and other timber suitable for public purposes, and would be of great convenience and advantage to the inhabitants residing thereon,

Be it resolved, therefore, by the Governor and Legislative Council of the Territory of Florida, That Charles Downing, Esq., our Delegate in the Congress of the United States, be, and he is hereby requested to use his exertions to obtain from Congress an appropriation of money to remove the obstructions in said river.

Approved January 29, 1839.

---

### No. 2.—RESOLUTION respecting Choctawhatchie River.

Whereas, the navigation of the Choctawhatchie river is a matter of great importance to the citizens of the counties of Walton and Washington, and whereas, a large sum of money has been expended in removing obstructions to the navigation of said river, from its mouth to Cedar Bluff, in Washington county, which expenditure has effected much towards the navigation of said river, but which, unless the obstructions to the navigation of said river from Cedar Bluff to the Alabama line be removed, will be of little benefit to the counties aforesaid; and whereas, the navigation of said river would greatly enhance the value of the fertile lands bordering on said river; be it therefore

Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be respectfully requested to endeavor to procure an appropriation of ten

thousand dollars, for the purpose of removing the obstructions to the navigation of said river to the Alabama line.

Be it further resolved, That a copy of the foregoing preamble and resolution be signed by the proper officers of the Senate and House of Representatives, and forwarded to the Hon. Charles Downing, our Delegate in Congress.

Approved February 8, 1839.

---

No. 3.—RESOLUTION respecting Suwannee and Santa Fee Rivers.

Whereas, the lands adjacent to and bordering upon the rivers Suwannee and Santa Fee, in the Territory of Florida, are rich and fertile, the most of which lie at present in an uncultivated state, and whereas the increase of population would be accelerated, the value of said lands and the agricultural prosperity of that region of country greatly advanced by suitable improvements in the navigation of said rivers, of which improvements the said rivers are deemed highly susceptible,

Be it resolved therefore, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to procure the passage of a law appropriating thirty thousand dollars, or such other sum as may by that honorable body be deemed necessary and expedient, to be applied to the improvements of the navigation of said rivers ; and also such sum as may be necessary for the purpose of erecting a Light House at Cedar Keys, near the mouth of said river Suwannee.

Approved February 25, 1839.

---

No. 4.—RESOLUTION respecting Jane Matthews.

Whereas, Jane Matthews, formerly Jane Jones, a native of Florida, has, under the most aggravated circumstances, lost her husband, who was killed by the hostile Indians, she herself shot through the neck and arm, and also scalped ; and whereas at the same time, the house in which they resided was consumed by fire, and all their effects thereby destroyed ; be it therefore

Resolved unanimously by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best endeavors to procure the passage of the law allowing Jane Matthews a pension for life.



Resolved, That the above preamble and resolution be signed by the President of the Senate and Speaker of the House of Representatives, and when approved by the Governor, a copy thereof be forwarded to our Delegate in Congress.

Approved February 25, 1839.

---

No. 5.—RESOLUTION respecting Bar of St. Johns River.

Whereas, the river St. Johns, in East Florida, is one of the first magnitude upon the Atlantic coast, south of the Potomac, being from two to three miles in width, and extending from its mouth into the interior through a fertile region more than three hundred miles, connected at various points with important navigable tributaries, and looking to the time, which it is hoped is not far distant, when the Indians, who inhabit a great portion of the lands bordering upon the said river and its tributaries, will be removed, and the pursuits of agriculture no longer be interrupted; and whereas the commerce of the said river is rapidly increasing, and its waters must soon become the outlet to the productions of a vast extent of country. And whereas, it is confidently believed and asserted by practical and scientific men that the bar at the mouth of said river is susceptible of great improvement, and that a break-water would deepen the water upon said bar, and eminently improve its navigation.

Therefore be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to procure the appointment of a competent engineer, and an appropriation to defray the expense of making a survey of the said bar and its harbour, and to report the practicability and expense of making a break-water thereat.

Approved January 29, 1839.

---

No. 6.—RESOLUTION respecting Road from Jacksonville to Rose's Bluff.

Whereas, the road leading from Jacksonville, on the St. Johns, to Rose's Bluff, on the St. Marys river, via R. W. Kirkland's, on which the United States Mail passes, is, in a wet season, impassible without endangering the loss of the mail,

Be it further resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best endeavors to procure an appropria-

tion for the repairing of said road from Jacksonville to Rose's Bluff, of the sum of five thousand dollars.

Approved March 2, 1839.

---

No. 7.—RESOLUTION respecting additional representation from Calhoun, Franklin, and Columbia.

Be it resolved by the Legislative Council of the Territory of Florida, That the increased and rapidly increasing population and great physical and commercial advantage of the counties of Calhoun, Franklin, and Columbia, in Florida, entitle them to an additional representative, each, in the House of Representatives,

Be it further resolved, That the Delegate of this Territory, in the Congress of the United States, be requested to urge and procure the passage of the law authorizing such additional representative.

Be it further resolved, That a copy of these resolutions, duly certified, be forthwith transmitted to the said Delegate.

Approved March 2, 1839.

---

No. 8.—RESOLUTION respecting Court House in Walton County.

Whereas, in the year one thousand eight hundred and thirty-seven, the Court House, in Walton county, by order of the commanding officer, was made a public store and depot, for the use of the troops in the service of the United States, operating against the fugitive Creek Indians in West Florida; and whereas, there has been no compensation received for the use of said house as a public store, and it being incompatible with the constitution of the United States for any private property to be taken for public use, without compensation; and the said house is so damaged by the public that it is not fit for use until repaired,

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress use his influence and exertions to obtain an appropriation of five hundred dollars for the repair of said Court House.

Be it further resolved, That a copy of the foregoing preamble and resolution be signed by the proper officers, and forthwith transmitted to our Delegate in Congress.

Approved March 2, 1839.

## No. 9.—RESOLUTION respecting Post Office at Eucheeanna.

Whereas, there is no Post Office established at Eucheeanna, the county site of Walton county, or mail route or road immediately opened or established to the said county site, and it being indispensably necessary that there should be a Post Office established at said county site, and the road opened and repaired from Marianna, the county site of Jackson county, to said Walton county site, and whereas, if the road was opened and repaired from Lagrange, via Eucheeanna, the county site of Walton county, Pickel's Bluff, on Choctawhatchie, Roche's Bluff, on Holmes' Creek, the county site of Washington county, and on to Marianna, it would be considerably a shorter route than the present one, and would add to the convenience of the travellers, mail contractors, facilities of the three fore-mentioned counties, and their citizens, and the mail would be carried on more reasonable terms than it is at present,

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress use his best exertions in establishing a Post Office at Eucheeanna, the county site of Walton county, and in procuring an appropriation of twenty-five hundred dollars, for the repairing and opening of said road from Lagrange to Marianna.

Be it further resolved, That a copy of the foregoing preamble and resolutions be signed by the proper officers, and forthwith transmitted to our Delegate in Congress.

Approved March 2, 1839.

## No. 10.—RESOLUTION respecting Delegates to Southern Convention.

Resolved by the Governor and Legislative Council of the Territory of Florida, That James Gadsden, R. H. Berry, A. J. Forman, John C. McGehee, Thomas Douglas, H. D. Holland, Joseph S. Sanchez, William J. Mills, William H. Chase, E. J. Hardin, Hiram Nourse, Samuel C. Bellamy, William Marvin, R. Fitzpatrick, F. A. Brown, George E. Weaver, Leigh Reid, Abram Bellamy, and Jackson Morton, be, and they are hereby requested to serve as Delegates to the Southern Commercial Convention at Charleston, on the third Monday in April next.

Resolved, That it is hereby recommended to the several counties and towns in this Territory to appoint associate Delegates to serve in said Convention.

Resolved, That the resolutions adopted by the Convention at its late session be recommended to the consideration of our citizens.

Be it further resolved, That the Governor be requested to notify the gentlemen named in the first resolution.

Approved March 2, 1839.

---

No. 11.—RESOLUTION respecting compensation to John P. Duval, Esq.

Resolved by the Governor and Legislative Council of the Territory of Florida, That the sum of \$2,000 be paid to John P. Duval, Esq., out of any monies which Congress may have appropriated or may hereafter appropriate, to pay for the compiling or revising of the laws of Florida; said sum of \$2,000 to be in full compensation for the labours of said Duval in compiling the acts of the Legislative Council under his contract of May 1837.

Approved March 2, 1839.

---

No. 12.—RESOLUTION respecting Duval's Compilation of Laws.

Resolved by the Governor and Legislative Council of the Territory of Florida, That the acts of the Legislative Council, passed previous to the present session, and which have been compiled by John P. Duval, Esq., shall be printed with, and as a part of the acts of the present session, except so far as the same may be repealed by the acts of the present session, and that the whole be half bound in one volume.

Approved March 4, 1839.

---

No. 13.—RESOLUTION respecting Capitol Square.

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the Governor of this Territory, be, and he is hereby authorized to cause the Capitol Square of Tallahassee to be enclosed with a fence made of durable materials, to have a well and pump established within the said Square, and to cause the ground within the enclosure to be laid off in a suitable manner, and to be set out with ornamental trees and



shrubbery, and for this purpose he is authorized to expend a sum from the Tallahassee fund not exceeding three hundred dollars.

Approved March 4, 1839:

---

No. 14.—RESOLUTION respecting Payments for subsistence of Militia.

Resolved, That the Auditor of the Territory, under the direction of the Governor, shall audit any account that may be presented for supplies of subsistence, forage, and transportation, which may have been furnished by any of the citizens of the Territory, for the Territorial troops during the last year : provided, said accounts are approved or allowed by the Governor.

Approved March 4, 1839.

---

No. 15.—RESOLUTION respecting Tax Collectors and Auctioneers.

Resolved by the Governor and Legislative Council of the Territory of Florida, That the Auditor of this Territory be, and he is hereby required immediately, to institute suits against all Tax Collectors and Auctioneers in this Territory, who have neglected or refused to make returns, and pay into the Treasury any Territorial or auction taxes which may have been collected by any Tax Collector or Auctioneer, or which any Tax Collector or Auctioneer may have neglected or refused to collect in the manner prescribed by the laws of this Territory.

Resolved further, That the Auditor is hereby directed immediately to cause execution to issue against all and every Tax Collector or Auctioneer, against whom judgment has been rendered by any of the courts of this Territory.

Approved March 4, 1839.

---

## MEMORIAL TO CONGRESS.

To the Senate and House of Representatives of the United States of America, in Congress assembled.

The memorial of the Legislative Council of Florida respectfully represents, That for more than three years past, a war of extermination on the part of the Seminole Indians has been pro-

secuted against the people of this Territory ; that hundreds of valuable lives have been sacrificed, and thousands of private property has been destroyed ; that although the government of the United States, has shown a proper regard for the safety of the people, and a just sympathy for their sufferings, by extending in some degree relief to the unfortunate, and affording the ordinary protection against the attacks of the enemy ; that although the war has been conducted by able and experienced Generals, and well appointed armies have been employed, it still continues with all its disastrous consequences, without the hope of termination by the measures heretofore pursued. The people of the Territory have hailed, with the highest approbation, the plan proposed by the Honorable Secretary of War, in his annual report, both for the defence of the frontier and for the expulsion of the Indians. They confidently believe, if carried into execution, both will be successful. That those who have been driven from their homes will be reinstated in their possessions,—that the hardy defenders of the frontiers, who have so long maintained their posts in the presence of the enemy, exposed to every peril, will be enabled to cultivate their fields in peace, and sleep without the apprehension of being awakened by the midnight yell of the savages. They are equally confident that by proper encouragement to emigration and settlement, every portion of the peninsula, susceptible of cultivation, will, in a very short time, be permanently located by enterprising emigrants, who will seek the enemy in his lurking places, and relieve the country from his presence.

Your memorialists believe this the most efficient plan by which they can be relieved from the disastrous results of this sanguinary and protracted war. Your memorialists have read, and attentively considered the bill which has been introduced in the Senate, for the accomplishment of this desirable object, and while they admire the liberality of its provisions, and are gratefully impressed for the feelings by which it was dictated, they believe that although it may ultimately effect the purpose designed, that this may be much more certainly and expeditiously achieved by an amendment, which they beg leave most respectfully to suggest, and which will be attended with less expense to the government. Your memorialists believe, without the mutual confidence and protection, the settlers would derive from a military organization, without the rules of discipline and subordination, so necessary for their defence against the attacks of the enemy, without the numbers essential to ensure safety, few

would be willing to expose their lives and those of their families, by a location within the enemy's country. While under a different system, thousands would be organized in the neighboring States, into regiments and companies, and would march under the proclamation of the President, or orders of the Secretary of War, to any point required, prepared to drive the enemy from his hiding places, and make the wilderness their home. In anticipation of such a system, your memorialists are informed that thousands of the hardy mountaineers of Georgia and Tennessee, under enterprising leaders, are now organizing and will be ready to march, at a moment's warning, to fix their destiny in the peninsula of Florida. Your memorialists would therefore respectfully suggest the propriety of authorizing the President of the United States to receive such number of persons, not exceeding ten thousand ; 1st, from among the citizens of Florida, and the balance, if any, from among the citizens of the different States, as may offer their services as settlers in this Territory, to be organized into companies, regiments, and brigades, to be allowed pay and subsistence, from their respective places of rendezvous, and to continue for twelve months, to be supplied with forage for six months ; and at the close of the war, each private and non-commissioned officer to receive a grant in fee simple of one quarter section of land, and the officers in the same proportion, or such other quantities as Congress may direct. Under these provisions your memorialists entertain the most sanguine belief that the war with the Seminoles will be brought to a speedy and successful termination ; and your memorialists as in duty bound will ever pray.





# INDEX.

---

ALIENS subject to Military laws	10
Assessors, Tax, how appointed	12
shall take lists of orphans	16
Auditor and Treasurer, duty of	14
Auctioneer, duty of	"
Academy Oscilla, Jefferson county	31
" Miccasukie, Leon county	32
" Calhoun, Madison county	33
Trustees may rent School Lands	"
Monies how appropriated	34
" Alachua, at Newnansville	"
Apalachicola act to incorporate amended	43

## B

BANKS—Union—act amended	20
Apalachicola incorporated	21
Books of subscription, stock, Directors	22
Private property pledged	24
Affairs how examined	"
Penalty for non-payment of specie	25
Banking incorporations obsolete	"

## C

COUNTY COURTS—St. Johns County	12
may appropriate funds	16
County Clerk duty of	13
Capitol to be erected	19
Commissioner Tallahassee Fund duty of	"
may contract for building a Capitol	20
Commissioners of Pilotage, &c.	26
Chamber of Commerce St. Joseph	28
Church Presbyterian Tallahassee, incorporated	35
" Mandarin	36
" Episcopal, Jacksonville	37
" St. Paul's, Quincy	38
Choctawhatchie river, resolution respecting	59

Court House, Walton County	62
Capitol Square, resolution respecting	64

## D

DISTRICT ATTORNEY—Fees	6
to prosecute defaulters	15
Drafts how held and enforced	9
Defaulters how punished	14, 15, 16
Delegates Southern Convention	63

## E

EVIDENCE in certain cases	6
Elections—qualification of voters	10, 11
Duty of inspectors	11
Returns how made	“
Edwards Christopher H. relief of	56
Eucleeanna Post office resolution respecting	63

## F

FINES—Militia officers	7, 9, 10
Ferries, over Withlacoochee river	53
“    Suwannee river	54
“    Choctawhatchie river	55
Fletcher Christopher, relief of	57

## G

GAMING—Fines for keeping table	5
Betting at games	“
Grand Jurors, duty thereof	6
Governor may raise volunteers	“
May borrow money	7
May appoint commissioners	8
Authorized to draft for service	“

## I

INCORPORATIONS—Newnansville Town of	40
Apalachicola City of	43
Marianna Town of	44
St. Joseph City of	“
Pensacola City of	45 46, 47

Lafayette Salt Company, Key West	50
St. Andrews and Chipola Canal Company	"
Lake Wimico and St. Joseph Canal and Rail Road Company	51

## J

JUSTICES OF THE PEACE—Duty of	12, 14
Jails, Franklin county, how erected	30

## K

KELLEY WILLIAM—Relief of	57
--------------------------	----

## L

LANDS—Territorial how sold	19
Laws compilation of	64

## M

MILITIA OFFICERS—Penalty for disobedience of orders	8
Refusal to furnish roll and papers	9
Troops how governed	10
Madison County site	18
Mapes Major Charles relief of	57
Matthews Jane resolution respecting	60
Memorial to Congress.	65, 66, 67

## O

OFFICERS—Territorial in arrears	15
---------------------------------	----

## P

POOR CHILDREN—Fund for education	16
Port Wardens and pilots	26

## R

RAIL ROAD—St. Joseph	51
Brunswick and Florida	"
Road when and where located	52
Resolutions respecting Yellow river	59
Respecting Tax Collectors and Auctioneers	65

Resolution respecting subsistence of Militia,	65
Road from Jacksonville to Rose's Bluff	61
Representatives additional	62

## S

SUPERIOR COURTS—Terms of	17
St. Marks River, dam and lock	55
Sparkman, Esther relief of	56
Smith, Wilkins C., relief of	58
Suwannee and Santa Fee Rivers, resolution respecting	60
St. Johns River Bar, resolution respecting,	61

## T

TAX COLLECTORS—How appointed	12
Must give Bond,	"
Assessors, how appointed—duty of	"
Penalty for making false returns,	13
Compensation of Collector and Assistant	"
Taxes, rates of Assessment on Land and Slaves, &c.	"
Penalty for neglect to give in lists,	14
Territorial Lands, how sold	19

## U

UNION BANK—Stockholders of	20
Stock notes, how regulated	"
Duty of Directors	21

## V

VOLUNTEER FORCE—how organized,	6
May be mustered into service of the U. S.	"
Term of service,	7
Pay and rations,	"
How governed,	8

## W

WRECKS, Commissioners of	27
Weighers of Cotton,	29
Walker, George relief of	57









